

ELECTION OF ISAAC STEPHENSON

REPORT

OF THE

COMMITTEE ON PRIVILEGES AND ELECTIONS
UNITED STATES SENATE

TOGETHER WITH THE

HEARINGS HELD BEFORE THE SUBCOMMITTEE

PURSUANT TO

S. RES. 136

DIRECTING THE COMMITTEE ON PRIVILEGES AND ELECTIONS, OR
ANY SUBCOMMITTEE THEREOF, TO INVESTIGATE WHETHER
CORRUPT METHODS AND PRACTICES WERE USED OR
EMPLOYED IN THE ELECTION OF ISAAC STEPHEN-
SON AS A SENATOR OF THE UNITED STATES
FROM THE STATE OF WISCONSIN

IN TWO VOLUMES

VOL. 2

Pages 997 to 2166

(DIGEST INDEX IN EACH VOLUME)

WASHINGTON
GOVERNMENT PRINTING OFFICE

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IN THE SENATE OF THE UNITED STATES,

February 12, 1912.

Resolved, That one thousand additional copies of the report and accompanying papers presented by the Committee on Privileges and Elections, who were directed to investigate whether corrupt methods and practices were used or employed in the election of Isaac Stephenson as a Senator of the United States from the State of Wisconsin, be printed for the use of the Senate, and that four hundred and fifty additional copies of the report, together with the hearings held before the committee, be printed for the use of the Senate.

Attest:

CHARLES G. BENNETT,

Secretary.

By H. M. ROSE,

Assistant Secretary.

COMMITTEE ON PRIVILEGES AND ELECTIONS.

WILLIAM P. DILLINGHAM, Vermont, *Chairman*.

ROBERT J. GAMBLE, South Dakota.

WELDON B. HEYBURN, Idaho.

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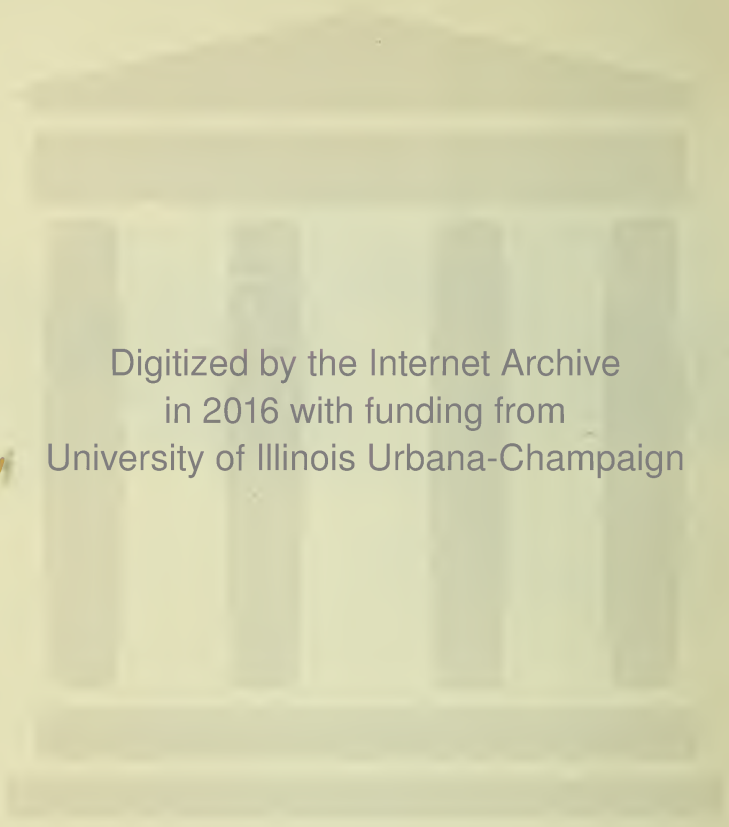
DUNCAN U. FLETCHER, Florida.

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LUKE LEA, Tennessee.

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FERDINAND H. PEASE, *Clerk*.



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SENATOR FROM WISCONSIN.

MONDAY, OCTOBER 16, 1911.

FEDERAL BUILDING,
Milwaukee, Wis.

The subcommittee met at 10 o'clock a. m.

Present: Senators Heyburn (chairman) and Pomerene.

Present also: Mr. C. E. Littlefield, Mr. W. E. Black, and Mr. H. H. J. Upham, counsel for Senator Isaac Stephenson.

The names of N. C. Keller, C. M. Hambright, Edward Pollock, Lester Tilton, E. M. Hyzer, Max Sells, S. M. Marsh, Thomas Morris, Paul O. Husting, George P. Hambrecht, Wallis Ingalls, William M. Bray, and Platt Whitman were called.

Mr. Keller, Mr. Hambright, Mr. Pollock, Mr. Tilton, Mr. Sells, Mr. Marsh, Mr. Hambrecht, Mr. Ingalls, Mr. Bray, and Mr. Whitman responded to their names, and the oath was administered to them by the chairman.

TESTIMONY OF LESTER S. DRESSER.

LESTER S. DRESSER, having been heretofore duly sworn, was examined and testified as follows:

The CHAIRMAN. Where do you reside?

Mr. DRESSER. Now?

The CHAIRMAN. Yes.

Mr. DRESSER. In Minneapolis at the present time. I did live in Polk County, Wis., at St. Croix Falls.

The CHAIRMAN. Did you participate in the campaign of 1908, in which Senator Stephenson was a candidate for nomination to the United States Senate?

Mr. DRESSER. Yes; somewhat.

The CHAIRMAN. Did you receive money from Senator Stephenson, or anyone representing him?

Mr. DRESSER. I did.

The CHAIRMAN. To be expended by you in that campaign?

Mr. DRESSER. Yes.

The CHAIRMAN. How much?

Mr. DRESSER. In all, \$2,350.

The CHAIRMAN. When did you receive it?

Mr. DRESSER. \$300 and \$1,800 in August—the fore part of August.

Senator POMERENE. That is, \$2,100 in all?

Mr. DRESSER. Yes; and \$250 immediately following the primaries.

The CHAIRMAN. Did you receive \$300 on August 4?

Mr. DRESSER. I do not remember the dates, but I presume I did.

The CHAIRMAN. Is that the first payment you received?

Mr. DRESSER. Yes.

The CHAIRMAN. What did you do with that money?

Mr. LITTLEFIELD. If the chairman will excuse me, why not start with him by asking who arranged with him, and then let him go right through, if it is agreeable?

The CHAIRMAN. I have that fact before me. He testified he received it from the campaign fund, Mr. Littlefield, and I think that is sufficient. What did you do with that money?

Mr. DRESSER. I drew the money and turned it over to different individuals.

The CHAIRMAN. To whom did you turn it over?

Mr. DRESSER. I turned over money to Mr. Nesbit, in Barron County.

The CHAIRMAN. How much did you give Mr. Nesbit?

Mr. DRESSER. \$50.

The CHAIRMAN. For what purpose did you give him \$50?

Mr. DRESSER. To go out and look over Barron County and see how the people felt on the senatorial situation.

The CHAIRMAN. In whose interest did you do it?

Mr. LITTLEFIELD. Mr. Chairman, I should like to have the witness give the full names of these men and their residences.

The CHAIRMAN. I wish he would.

Mr. LITTLEFIELD. Mr. Dresser, wherever you give a name be kind enough to give the full name and the man's present address, with the amount you paid him, so far as you can. What is Mr. Nesbit's name?

Mr. DRESSER. I think it is Lloyd Nesbit.

Mr. LITTLEFIELD. What is his address?

Mr. DRESSER. Barron, Wis.

The CHAIRMAN. In whose interest did you give him that money?

Mr. DRESSER. Senator Stephenson's.

The CHAIRMAN. For what purpose did you give him the money?

Mr. DRESSER. To pay his expenses in traveling over the county talking for Senator Stephenson.

The CHAIRMAN. Did he render you an account of the money, as to the expenditure that he had made?

Mr. DRESSER. He did not.

The CHAIRMAN. Did you request him to do so?

Mr. DRESSER. No, sir.

The CHAIRMAN. Do you know for what purpose he spent the money?

Mr. DRESSER. I do not.

The CHAIRMAN. Did you make a memorandum or keep an account of the money you paid out to him?

Mr. DRESSER. I had it on a little slip of paper until after the campaign.

The CHAIRMAN. Did you have an account book?

Mr. DRESSER. No, sir.

The CHAIRMAN. What did you do with the slip of paper?

Mr. DRESSER. I destroyed it after the campaign was over.

The CHAIRMAN. Why did you destroy it?

Mr. DRESSER. I did not have any use for it, and I did not suppose I ever would.

The CHAIRMAN. When did you next receive money from the Stephenson campaign fund? You are charged here with having received \$1,800 on August 12. Is that true?

Mr. LITTLEFIELD. Has he given us the names of everyone he can remember under the \$300?

The CHAIRMAN. He so said, as I understood him.

Mr. LITTLEFIELD. I did not so understand him. Mr. Dresser, is Mr. Nesbit the only name that you can remember?

The CHAIRMAN. Mr. Littlefield, you can cross-examine him on that. The committee feels that the essential point is the receipt of the money, the disbursement of it, and the purpose of its disbursement. If counsel wants further information, it will be entirely proper for him to go into that matter later.

Mr. LITTLEFIELD. Very well. I will go into it in further detail on cross-examination.

The CHAIRMAN. Those questions would go to test the truth of his general statement.

Mr. LITTLEFIELD. Yes.

The CHAIRMAN. To return to the question, Mr. Dresser, you are charged with having received \$1,800 on August 12. You say you did receive that money from the Stephenson campaign fund?

Mr. DRESSER. Yes; about that time.

The CHAIRMAN. For what purpose did you receive it?

Mr. DRESSER. For the organization of several counties in the eleventh congressional district.

The CHAIRMAN. For what purpose did you use it?

Mr. DRESSER. For the purpose of organizing the counties.

The CHAIRMAN. Tell how you used it for that purpose. Describe the process.

Mr. DRESSER. I gave money to a man in Pierce County.

The CHAIRMAN. What is his name?

Mr. DRESSER. Olof Halls.

The CHAIRMAN. What is his address?

Mr. DRESSER. Ellsworth, Wis.

The CHAIRMAN. How much did you give him?

Mr. DRESSER. \$50.

The CHAIRMAN. Did you give him instructions when you gave him the money?

Mr. DRESSER. I told him to look over the county and see what the senatorial situation was, and report to me.

The CHAIRMAN. Did you make a memorandum of the fund?

Mr. DRESSER. Not any more than to keep the amount of money that I was paying out, on a slip of paper. That is all.

The CHAIRMAN. Is that the slip of paper that you destroyed?

Mr. DRESSER. Yes, sir.

The CHAIRMAN. What did you tell him to do with that money, in detail; or did you tell him anything, in detail?

Mr. DRESSER. Not any more than to travel around over the county and see what the conditions were, and make a report on it.

The CHAIRMAN. Was he to pay out any part of it?

Mr. DRESSER. I do not think he was.

The CHAIRMAN. It was for his own use?

Mr. DRESSER. As I understood it.

The CHAIRMAN. What was the amount?

Mr. DRESSER. \$50.

The CHAIRMAN. Mention some other person to whom you paid any part of that \$1,800.

Mr. DRESSER. I gave Judge McGill, of Ladysmith, \$25.

The CHAIRMAN. For what purpose?

Mr. DRESSER. I was in his office talking with him, and he said they were sending out some literature, and they lacked \$25 for postage.

The CHAIRMAN. What literature did he say they were sending out?

Mr. DRESSER. I do not know. I did not ask him.

The CHAIRMAN. Was it connected with Senator Stephenson's campaign?

Mr. DRESSER. I presume it was, or he would not have said what he did.

The CHAIRMAN. Was he supporting Senator Stephenson?

Mr. DRESSER. Yes, sir.

The CHAIRMAN. And he was engaged in the same class of work in which you were engaged, in regard to Senator Stephenson's campaign?

Mr. DRESSER. I presume he was, although I do not know it.

The CHAIRMAN. You have no knowledge on the subject?

Mr. DRESSER. No, sir.

The CHAIRMAN. You would hardly hand him \$25 without knowing that he was for Senator Stephenson and would spend it in Senator Stephenson's behalf?

Mr. DRESSER. I presumed he was. I had every reason to believe that he was.

The CHAIRMAN. You do believe he was?

Mr. DRESSER. Why, surely.

The CHAIRMAN. You believe it now?

Mr. DRESSER. Yes, sir.

The CHAIRMAN. Name the next person to whom you paid any of that money.

Mr. DRESSER. A man by the name of Stevenson, of Menominee. I do not know his first name.

The CHAIRMAN. How much did you pay him?

Mr. DRESSER. \$75.

The CHAIRMAN. For the same purpose?

Mr. DRESSER. Yes, sir.

The CHAIRMAN. What was that purpose?

Mr. DRESSER. To travel over Dunn County and see what the conditions were, and talk for Senator Stephenson.

The CHAIRMAN. Did he do it?

Mr. DRESSER. I do not know.

The CHAIRMAN. Did you inquire as to whether or not he was performing the duties for which you had paid him this money?

Mr. DRESSER. I never have seen him since that time.

The CHAIRMAN. How did you come to pay him \$75?

Mr. DRESSER. He was recommended to me as a very good man, a man who was well acquainted, a man who was supporting Senator Stephenson, and they thought that he would go out and do a little work for him.

The CHAIRMAN. Do you remember who recommended him?

Mr. DRESSER. Yes.

The CHAIRMAN. Who?

Mr. DRESSER. A gentleman by the name of Albert Anderson, of Hudson.

The CHAIRMAN. Name the next man to whom you paid any money out of this fund; and just continue to name them until you have exhausted your memory, or the fund.

Mr. DRESSER. I paid Mr. Albert Anderson.

The CHAIRMAN. How much?

Mr. DRESSER. When I testified before the other committee my recollection was that it was \$150. Afterwards I was talking with Mr. Anderson, and he told me that I had made a mistake; that it was \$350.

Mr. LITTLEFIELD. \$350 instead of \$150?

Mr. DRESSER. Yes.

The CHAIRMAN. Who was Mr. Anderson?

Mr. DRESSER. Mr. Anderson at that time was practicing law in Hudson.

The CHAIRMAN. How did you come to give him the \$350?

Mr. DRESSER. He was a bright young man, active in politics.

The CHAIRMAN. For whom was he active?

Mr. DRESSER. For Senator Stephenson.

The CHAIRMAN. Before you gave him the money?

Mr. DRESSER. He was supporting Senator Stephenson, but I do not know that he was active out through the district.

The CHAIRMAN. Did you give him this money to be paid out, or to be retained by him?

Mr. DRESSER. It was given him to use as he thought best.

The CHAIRMAN. To pay out as he saw fit or to retain so much?

Mr. DRESSER. Yes.

The CHAIRMAN. Do you know how much he retained for his own services?

Mr. DRESSER. No, sir; I do not.

The CHAIRMAN. Did he ever render you any account at all?

Mr. DRESSER. No, sir.

Mr. LITTLEFIELD. Mr. Heyser, who was called this morning, Mr. Chairman, has just arrived, and if it is agreeable to the committee he would like to be sworn and to make a suggestion to the chairman with reference to his continued attendance, and if possible to make some arrangement whereby he can take care of his business engagements.

The CHAIRMAN. Call E. M. Heyser. Also call C. H. Russell, Thomas M. Purtell, R. S. Cowie.

(Messrs. Russell, Cowie, and Heyser responded, and were duly sworn by the chairman.)

Mr. HEYSER. I would like to make a request, Mr. Chairman.

The CHAIRMAN. You may state it.

Mr. HEYSER. I should be pleased if the committee could hear my testimony.

The CHAIRMAN. You are on the list of witnesses for to-day, and you will be reached in the regular order. It will depend, of course, upon the length of time occupied by previous witnesses.

Mr. HEYSER. This is the week of the annual meeting of the Northwestern Road, and it makes all of us extremely busy for this week.

The CHAIRMAN. We will bear that in mind and give you as early a hearing as possible.

Mr. LITTLEFIELD. Mr. Ames, who was called a week ago, is here and has not been sworn. He is from Madison, I believe.

(Mr. A. R. Ames was thereupon called as a witness and duly sworn by the chairman.)

The CHAIRMAN. Now, Mr. Dresser, will you proceed to give the name of another person or persons to whom you paid money?

Mr. DRESSER. Mr. Henry Hetting.

The CHAIRMAN. How much did you pay him?

Mr. DRESSER. He worked throughout the campaign—two months; practically throughout the campaign.

Mr. LITTLEFIELD. Did you give his address?

Mr. DRESSER. He did live at St. Croix Falls. He has been selling Canadian real estate, and I do not know whether he is at Winnipeg or in northern Minnesota. I have not heard from him for six months.

Mr. LITTLEFIELD. How much money did he have?

Mr. DRESSER. He had, altogether, in the neighborhood of—well, he spent the rest of the money—seventeen or eighteen or nineteen hundred dollars.

Mr. LITTLEFIELD. What is that?

Mr. DRESSER. He spent the rest of the money that I did not pay out to the other people.

The CHAIRMAN. This is the man who got all the money that you have not already accounted for?

Mr. DRESSER. Yes, sir.

Senator POMERENE. You mean all of this \$1,800?

Mr. LITTLEFIELD. It would be \$1,300; \$350, \$75, \$25, and \$50 make \$500.

The CHAIRMAN. \$550, I have it.

Mr. LITTLEFIELD. The \$50 was out of the \$300. The first \$50 was out of the \$300.

Let me see if I am correct, Mr. Chairman: All this witness has detailed in connection with the \$1,800 is four items—\$50, \$25, \$75, and \$350, which aggregate \$500. That would leave \$1,300 for Mr. Hetting. Is that your recollection, Mr. Dresser?

Mr. DRESSER. I think he had a little more than that, according to my best recollection.

The CHAIRMAN. I have started to keep my memorandum based upon the gross amount of \$2,100 with which he is charged—\$1,800 and \$300.

Mr. LITTLEFIELD. That is right.

The CHAIRMAN. I want to keep the items before the primary separate, and have conducted this examination on that basis, so that that leaves out of the sum before the primaries \$1,550 that you say you gave this man. When did you give that amount to him?

Mr. DRESSER. At different times.

The CHAIRMAN. Can you give us more explicit information on that?

Mr. DRESSER. Mr. Hetting started in to work for Senator Stephenson immediately following the 4th of July, and he worked throughout the campaign.

The CHAIRMAN. What character of work did he do?

Mr. DRESSER. He was to travel through seven different counties and talk with the people and meet them, and advance Senator Stephenson's interests.

The CHAIRMAN. How did he travel?

Mr. DRESSER. You mean by what mode of conveyance?

The CHAIRMAN. Did he travel by motor car, railroad, or how?

Mr. DRESSER. He traveled all three ways: Livery rig, railroad, and motor car.

The CHAIRMAN. Did he render you an account of his expenditures?

Mr. DRESSER. He did not at that time, but later he did.

The CHAIRMAN. Have you that account?

Mr. DRESSER. I searched for it, Senator, but I have misplaced it some place, and I could not find it.

The CHAIRMAN. On the former hearing you testified, at page 1638, that the account book was destroyed. Is this the account book that you referred to?

Mr. DRESSER. The small slip book that I used to carry.

The CHAIRMAN. When you said your account book was destroyed did you refer to the account book of the man to whom you gave this money, or to your own account book?

Mr. DRESSER. My own; the one I kept.

The CHAIRMAN. That does not account for his account book?

Mr. DRESSER. No, sir.

The CHAIRMAN. Did he turn over to you an account book?

Mr. DRESSER. No, sir; he did not.

The CHAIRMAN. In your former testimony in regard to the money you gave to Mr. Hetting, found in the record at pages 1637, 1638, and 1639, after testifying, as you have now testified, that Mr. Hetting went to work immediately after the 4th of July and worked a month before any money was sent up from the Stephenson campaign managers—that is true, is it?

Mr. DRESSER. Yes, sir.

The CHAIRMAN (continuing). You say:

Up to that time I furnished him money myself. When I got this money—this \$1,800—I was going home.

That was true?

Mr. DRESSER. Yes, sir.

The CHAIRMAN. And is true?

Mr. DRESSER. Yes, sir.

The CHAIRMAN. Then you were asked:

Well, let's get at it from the beginning. What did you do with the first \$300?

Then you testified that you used it for Mr. Stephenson, as you have testified to-day; that you kept a small book that you carried in your pocket, something similar to a book that you then displayed. Have you that book?

Mr. DRESSER. No, sir; I have not.

The CHAIRMAN. What did you do with it?

Mr. DRESSER. It was destroyed.

The CHAIRMAN. Did you destroy it before you testified or afterwards?

Mr. DRESSER. Before.

The CHAIRMAN. Why did you destroy it?

Mr. DRESSER. I had no use for it, and did not suppose I ever would have.

The CHAIRMAN. You said that you were supplying Mr. Hetting with money. That is the man concerning whom you have testified to-day?

Mr. DRESSER. Yes, sir.

The CHAIRMAN. Whenever he wanted it?

Mr. DRESSER. Yes, sir.

The CHAIRMAN. And was this before you received any money from the Stephenson campaign fund?

Mr. DRESSER. Yes, sir.

The CHAIRMAN. About how long before?

Mr. DRESSER. It started in right after the 4th of July, and I did not receive any money from the Stephenson campaign committee until some time in August.

The CHAIRMAN. How much had you advanced him before you received any from the Stephenson campaign committee?

Mr. DRESSER. In the neighborhood of six or seven hundred dollars.

The CHAIRMAN. Have you an account of those advances?

Mr. DRESSER. No, sir; I have not now.

The CHAIRMAN. You made an account at the time, did you?

Mr. DRESSER. I had it in that small book.

The CHAIRMAN. You had it in that book which you say you destroyed?

Mr. DRESSER. Yes, sir.

The CHAIRMAN. Did he ever controvert your statement, that you had given him this money?

Mr. DRESSER. Not that I know of.

Mr. LITTLEFIELD. Who is this? Hetting?

The CHAIRMAN. Yes. So that it was a fact conceded between you; there was no dispute about it?

Mr. DRESSER. No, sir.

The CHAIRMAN. You advanced that money out of your own funds?

Mr. DRESSER. Yes, sir.

The CHAIRMAN. How did you come to advance this money for Senator Stephenson's campaign?

Mr. DRESSER. I had a talk with Senator Stephenson early in the spring, when I was in Washington, and I asked him at that time if he was going to be a candidate; and he said he did not know. I said: "If you are, Senator, I shall do what I can for you." He said: "There are a good many things that might happen between now and later, and I will decide then." Later, he announced himself as a candidate and I wrote him a letter and told him that I was for him, and that I should do anything that I could to advance his interests; and I suggested that he get somebody to look after the district; and he wrote me a letter and told me to get somebody; and there is one of the letters that I could find which is in the files here, some place. I have not got it.

The CHAIRMAN. Yes there is a letter on file with the committee.

You advanced this money out of your friendship for Senator Stephenson, did you?

Mr. DRESSER. Yes, sir.

The CHAIRMAN. Then you received the sum of \$1,800?

Mr. DRESSER. Yes.

The CHAIRMAN. Did you receive that all in one check or draft?

Mr. DRESSER. Yes, sir; the \$1,800.

The CHAIRMAN. You got that cashed in St. Paul, did you?

Mr. DRESSER. Yes.

The CHAIRMAN. And deposited it in the bank there?

Mr. DRESSER. Part of it.

The CHAIRMAN. Had you any special reason for depositing that money in St. Paul?

Mr. DRESSER. Not outside of the fact that I had my own money deposited in my own bank; and that I had an account previously in this same bank; and also my wife's people had accounts there.

Mr. LITTLEFIELD. Was it the bank where you did your banking business?

Mr. DRESSER. No; not regularly. It is the Merchants' National Bank of St. Paul.

My wife's people used to do business with the bank, and I had an account with them; and I had an account there myself previous to this, and I have had an account there since this.

The CHAIRMAN. When you paid Mr. Hetting this money, you did not pay it to him all at one time, did you?

Mr. DRESSER. No, sir.

The CHAIRMAN. I notice you enumerate several payments here, running from \$150 up to \$300 or \$350?

Mr. DRESSER. Something like that.

The CHAIRMAN. That is true?

Mr. DRESSER. Yes.

The CHAIRMAN. You paid it to him as he called for it, did you?

Mr. DRESSER. Yes.

The CHAIRMAN. Did you instruct him as to the manner in which that money was to be expended?

Mr. DRESSER. Why, we talked it over in a general way.

The CHAIRMAN. Be more explicit than that. You would not hand a man that much money without giving him some explicit instructions as to what was to be done with it?

Mr. DRESSER. Well, he was to travel over the district, and to distribute literature.

The CHAIRMAN. Was he to distribute any money? You have already stated that he was to travel over the district and distribute literature. Was he to distribute any money?

Mr. DRESSER. He was to get some workers.

The CHAIRMAN. He was to get workers to do the same class of work that he was doing?

Mr. DRESSER. Not the same class of work that he was doing; because he covered the entire district. He was to get some workers for local towns.

The CHAIRMAN. How many counties were in this district?

Mr. DRESSER. Seven.

The CHAIRMAN. Then he was to get workers in each of the local towns, was he?

Mr. DRESSER. He was to use his judgment in that respect; to look around and see what was necessary.

The CHAIRMAN. What were the workers to do?

Mr. DRESSER. To see that the vote was gotten out; to see that the literature was distributed, and to talk for Senator Stephenson.

The CHAIRMAN. Were they to pay any person any money for supporting or voting for Senator Stephenson?

Mr. DRESSER. No, sir.

The CHAIRMAN. Did you give any instructions in that regard?

Mr. DRESSER. I do not think I did; because it never came to my mind. We had no thought of doing anything of that kind.

The CHAIRMAN. Did Mr. Hetting spend portions of this money for liquor or cigars?

Mr. DRESSER. I presume he did do some treating.

The CHAIRMAN. Have you any idea as to the extent of such expenditures?

Mr. DRESSER. No; I have not.

The CHAIRMAN. Did you ever talk to him about it?

Mr. DRESSER. Yes. He said he usually treated where he went.

The CHAIRMAN. Did he give you any information as to how much money was expended for such purposes?

Mr. DRESSER. If he did, I have forgotten it.

The CHAIRMAN. After you had given him the \$500, and he had spent that, or he came to you for more, did he not tell you what he had done with the \$500?

Mr. DRESSER. Not in detail, he did not.

The CHAIRMAN. He just told you that it was gone?

Mr. DRESSER. That it was gone, for workers, etc.

The CHAIRMAN. At that time he was not engaging any workers at the polls—at the time he spent that money? That was too long beforehand, was it not?

Mr. DRESSER. That is very true.

The CHAIRMAN. What did he tell you he had expended that \$500 for—the first \$500 that you gave him?

Mr. DRESSER. I can not say just what he did say.

The CHAIRMAN. You have no recollection on the subject?

Mr. DRESSER. No; I have no detailed recollection.

The CHAIRMAN. Have you a general recollection as his statements? You would not pay him another sum of money without knowing what had been done with the first sum, would you?

Mr. DRESSER. I did.

The CHAIRMAN. Without knowing what had been done with it?

Mr. DRESSER. That is, without knowing in detail.

The CHAIRMAN. Did he tell you when he had expended the first \$500 that he had expended part of it for liquor and cigars?

Mr. DRESSER. No, sir; he did not say it that way. He said he usually bought cigars, and treated.

The CHAIRMAN. And did you admonish him that he was not to make a saloon campaign?

Mr. DRESSER. I do not believe I said anything about it.

The CHAIRMAN. Did you make a saloon campaign at any time? By that expression it is generally understood that a man goes into a saloon and treats, indiscriminately, and announces that he is there in the interest of, or is the friend of the candidate. Did you make any campaign of that kind?

Mr. DRESSER. No, sir.

The CHAIRMAN. Do you know whether or not he did?

Mr. DRESSER. Only from what he said.

The CHAIRMAN. What did he say?

Mr. DRESSER. He said he bought cigars and did treating, whenever he went to town.

The CHAIRMAN. He gave you no idea of how much of the money was spent for such purpose?

Mr. DRESSER. No.

The CHAIRMAN. After you gave him the next sum of money, the item of \$150, how soon did he expend that money and come back for the next sum?

Mr. DRESSER. I can not tell you offhand.

The CHAIRMAN. You can not give any idea of how long it took him to expend the \$500?

Mr. DRESSER. No, I can not, offhand; because sometimes it would be very quick and sometimes not so quick; it would be a longer period at times. I could not say, exactly.

The CHAIRMAN. The length of time between giving the \$150 and the \$100 following it, was what? Was that a day or two, or was it a week?

Mr. DRESSER. I would have to be guessing at it.

The CHAIRMAN. You have no recollection?

Mr. DRESSER. None whatever.

The CHAIRMAN. Were you engaged about other business during this time?

Mr. DRESSER. Yes, sir.

The CHAIRMAN. You had something else to do besides running this campaign, did you?

Mr. DRESSER. Yes, sir.

The CHAIRMAN. Then you gave him \$75, then \$25, and then \$50. Were those sums given rapidly, day after day?

Mr. DRESSER. No; not always.

The CHAIRMAN. Where were you at that time? Where were you staying?

Mr. DRESSER. My headquarters, you mean?

The CHAIRMAN. Yes.

Mr. DRESSER. In St. Croix Falls; then I was in Madison, and then I traveled.

The CHAIRMAN. Where did you see Mr. Hetting when you gave him this money?

Mr. DRESSER. In St. Croix Falls most of the time.

The CHAIRMAN. Did he come to you?

Mr. DRESSER. That was his home there.

The CHAIRMAN. Oh, that is his home. And you paid it to him in cash; did you?

Mr. DRESSER. Most of the time.

The CHAIRMAN. Did you see him nearly every day?

Mr. DRESSER. No, because I was not there every day. I saw him every time I was there, when he was there.

The CHAIRMAN. You kept no part of this money for yourself, either as compensation or expenses, did you?

Mr. DRESSER. No, sir.

The CHAIRMAN. No part of the money received from the Stephenson campaign fund?

Mr. DRESSER. No, sir.

The CHAIRMAN. Did you take part in the legislative campaign?

Mr. DRESSER. Do you mean to elect to the legislature?

The CHAIRMAN. First, to nominate members of the legislature?

Mr. DRESSER. No, sir.

The CHAIRMAN. You did not support any particular candidate for nomination to the legislature, did you?

Mr. DRESSER. I had a personal choice, Senator; but, as I understand it, there was no money spent for him.

The CHAIRMAN. You did not spend any portion of this money that you received from the Stephenson campaign fund, as I understand it, on behalf of any candidate for the legislature?

Mr. DRESSER. No, sir.

The CHAIRMAN. Did any of the men to whom you gave money do it?

Mr. DRESSER. Not that I know of.

The CHAIRMAN. If they did, you would know of it, would you not?

Mr. DRESSER. Not necessarily.

The CHAIRMAN. Then there may have been some?

Mr. DRESSER. They did not to my knowledge. That is the only way I can answer that.

The CHAIRMAN. What position did you hold, if any?

Mr. DRESSER. Member of the Wisconsin State board of control.

The CHAIRMAN. As such officer, was it your duty to visit State institutions?

Mr. DRESSER. Yes, sir.

The CHAIRMAN. You were visiting the jails during this time, were you?

Mr. DRESSER. Yes, sir; and the county asylums, police lockups, and so forth

The CHAIRMAN. And county asylums, you say?

Mr. DRESSER. Yes, sir.

The CHAIRMAN. In the eight counties that you were assigned to, you visited the county institutions, county asylums, and so forth, did you, during this campaign?

Mr. DRESSER. Yes, sir.

The CHAIRMAN. You testified that you would say that your visit to Ellsworth, in Pierce County, was on the 26th of August; and you referred to a memorandum that you then had on the witness stand. Have you that memorandum now?

Mr. LITTLEFIELD. What page is the chairman reading from?

The CHAIRMAN. I am reading from page 1692.

Mr. DRESSER. I have that one.

Mr. LITTLEFIELD. Just a moment, Mr. Dresser, if you please. I want to see what this is.

Mr. DRESSER. It is the expense account.

Mr. LITTLEFIELD. Oh, yes. This is what the chairman has in mind. I have it on the record here.

Mr. DRESSER. I had an expense account book that I kept for my expenses with the State.

The CHAIRMAN. That is, official expenses?

Mr. DRESSER. Yes, sir.

The CHAIRMAN. That is Exhibit 103. That is what you had, is it not?

Mr. DRESSER. I had it at that time; yes, sir, and have it now.

The CHAIRMAN. Have you it in your possession?

Mr. DRESSER. No. I have it in my possession, but not with me here.

The CHAIRMAN. Did you withdraw it from the exhibits that were filed with the committee?

Mr. DRESSER. No.

The CHAIRMAN. I find it enumerated among the exhibits. I will verify this statement.

Mr. DRESSER. It was never turned over to them.

Senator POMERENE. Did you leave a copy of it with them?

Mr. DRESSER. I do not think so.

Mr. LITTLEFIELD. I think this must be it, on the next two or three pages, if the chairman pleases.

The CHAIRMAN. It is in the record. It would appear from this memorandum that we have the exhibit, and that we also have your

letter to Senator Stephenson, which is Exhibit 102. I have sent for those. I will inquire simply whether or not this exhibit, pages 1693 to 1695, relates solely to your official work for the State as an officer of the State government?

Mr. DRESSER. Is that my expense account?

The CHAIRMAN. Yes.

Mr. LITTLEFIELD. Do you want him to see it, or have you it right there?

(The paper referred to was exhibited to the witness.)

Mr. DRESSER. Yes, sir.

The CHAIRMAN. It is an official document?

Mr. DRESSER. Yes, sir.

The CHAIRMAN. This will be inserted only by reference in the record. There is nothing gained by putting a document like that in the record.

Mr. LITTLEFIELD. All you want is that date, is it not—August 26th?

The CHAIRMAN. Yes.

Mr. LITTLEFIELD. That is the only entry you want. Why not say, then, that "The following is an entry that is taken from the statement of expenses incurred for the State of Wisconsin in the month of August, 1908, by Mr. Dresser, August 26th," and read in whatever you want put in? That covers the whole ground, does it not? That is what you want, is it not?

The CHAIRMAN. Yes. If counsel would like to have that in, very well; but I am utterly unable to see anything—

Mr. LITTLEFIELD. I do not care anything about it. I did not know but that the chairman wanted it in. If you do, it is agreeable to us to have you make that extract.

The CHAIRMAN. I see no good purpose to be served by inserting in the record a detailed statement of the expenses of an officer in the course of his duties; that has nothing to do with this matter. It was only incidentally that the matter came in.

Mr. LITTLEFIELD. We do not see any occasion for it.

The CHAIRMAN. You charged Mr. Stephenson nothing for your traveling expenses, did you?

Mr. DRESSER. No, sir.

The CHAIRMAN. So that you were not duplicating an expense account?

Mr. DRESSER. No, sir.

The CHAIRMAN. I have the letter which you received from Isaac Stephenson, which is Exhibit No. 102 in the investigation before the joint committee.

Mr. LITTLEFIELD. Does that appear on page 1632?

The CHAIRMAN. I will give you a reference to it. It is Exhibit 102, page 1632. The letter is printed in the report of the Committee. The original letter is before this committee. It will be incorporated into this record. I will read it.

(The chairman read aloud the letter above referred to, which is as follows:)

SENATE OF THE UNITED STATES.

MARINETTE, WIS., July 14, 1908.

HON. L. B. DRESSER,
St. Croix Falls.

DEAR SIR: Your letter received and contents fully noted. In regard to the work of Mr. Hetting. I have no one in the counties named by you unless it is Mr. T. S.

Whitten, of Hayward, of Sawyer County. Whether the management in Milwaukee has anyone I do not know. It may be well to write Mr. Puelicher, of the Marshall & Ilsley Bank, if he has and who they may be.

If you think it necessary to have anyone to help Mr. Hetting in the counties named you may employ such help as may be necessary and someone that can be relied upon; will take care of the expense and have them do the work promptly.

I hope some one will be looking after Douglass.

Let me hear from [sic] when you think best and with all the possible information.

Very truly, yours,

ISAAC STEPHENSON.

Send nomination papers direct to J. H. Puelicher, c/o Marshall & Ilsley Bank, Milwaukee. Send by reg. mail.

I. S.

Mr. LITTLEFIELD. The postscript here reads, "Send mail to me." The original says, "Send by registered mail." That is, the postscript here is, "Send nomination papers direct to J. H. Puelicher, c/o Marshall & Ilsley Bank, Milwaukee. Send mail to me. I. S."

The CHAIRMAN. It is "by reg. mail."

Mr. LITTLEFIELD. Oh, yes! They omitted that in this copy.

The CHAIRMAN. This is the original letter—"reg. mail."

These exhibits, 102 and 103, will be returned to the custodian of State papers.

Did you meet Senator Stephenson in Washington during the campaign?

Mr. DRESSER. No, sir.

The CHAIRMAN. You testified at page 1708 with reference to a conversation. You were asked in regard to a visit to Johnson's farm. You said:

A. I didn't go to his farm; never been there in my life.

Q. You haven't been to his farm at all?—A. Never.

Q. But you did meet him at—— A. (interrupting). Emery; yes, sir.

Q. And what was the conversation there?

You were referring to a conversation with Mr. Hetting, evidently.

Mr. DRESSER. No; Mr. Johnson.

The CHAIRMAN. Oh, yes; here it is at the bottom of the page. I find it here. It is indexed, "Conversation at Washington with Senator Stephenson." (Reading):

Q. You had a talk, you say, the summer before with Senator Stephenson at Washington?

What summer was that?

Mr. DRESSER. The spring before—1908; the spring.

The CHAIRMAN. You say now "the spring." It is the "summer" here.

Mr. LITTLEFIELD. That was the spring of 1908.

Mr. DRESSER. The spring of 1908.

The CHAIRMAN. That was prior to the campaign?

Mr. DRESSER. Yes, sir.

The CHAIRMAN (reading):

A. I said a year ago this March I had a talk with Senator Stephenson in Washington.

You were testifying then in March, 1909, were you not?

Mr. DRESSER. Yes, sir.

The CHAIRMAN. So that would be in 1908?

Mr. DRESSER. Yes, sir.

The CHAIRMAN (reading):

In which he told me he didn't know whether he would be a candidate or not. I said to him, "If you are a candidate, I am one of the fellows who is going to speak a good word for you."

Is that true?

Mr. DRESSER. Yes, sir.

Mr. LITTLEFIELD. Where do you get that, Mr. Chairman?

The CHAIRMAN. That is at the bottom of page 1708 and the top of page 1709.

Mr. LITTLEFIELD. Oh, yes; I was watching the other conversation.

The CHAIRMAN. You visited Senator Stephenson's headquarters in Milwaukee, did you?

Mr. DRESSER. Yes, sir.

The CHAIRMAN. I will refer counsel to page 1668. You say:

I knew that Stephenson had his headquarters up there, and I went up there on purpose to see him. I never had met him, and I wanted to see him.

Mr. DRESSER. Senator, that refers to Mr. Edmonds.

The CHAIRMAN. It is obvious that that should be "Edmonds," although the word "Stephenson" is used. You were asked how you happened to see Edmonds there. The question is:

Q. And did you go up to get the \$1,800?—A. No, sir; I had no thought of getting any money when I went up there.

Q. That was at a time when you had spent \$700?—A. Yes, sir.

Q. Of your own money?—A. Yes, sir—had advanced it.

Q. And had only got three hundred of it back?—A. Yes, sir.

Q. That was volunteered, then, by Mr. Edmonds, was it?—A. Why, he talked over the campaign, as I said before, and the number of counties that Mr. Hetting could look after, and about what it would take for each county, and I got a draft.

Q. Now, as to territory, what arrangement did you make with Mr. Hetting as to what territory he was to cover?

Mr. LITTLEFIELD. If the chairman will excuse me, I do not follow him. Will you give me the page again?

The CHAIRMAN. Page 1668. I am at the bottom of the page now.

Mr. LITTLEFIELD. Oh, yes; I have it now.

The CHAIRMAN. That was when you made the arrangement as to the territory that you were to cover, was it?

Mr. DRESSER. The definite arrangement. It was understood in advance from Senator Stephenson that there were several counties to be looked after.

The CHAIRMAN. You seem here to have reduced that down to a definite understanding when you got the money.

Mr. DRESSER. Yes, sir.

Senator POMERENE. This letter from Senator Stephenson bears date July 14. I notice in it an expression something like this: "I hope some one will look after Douglas." Does that mean Douglas County?

Mr. DRESSER. Yes, sir.

Senator POMERENE. When with reference to the date of this letter did you first see Mr. Edmonds, to talk with him on the subject of this campaign?

Mr. DRESSER. I do not know exactly, but it was some time afterwards.

Senator POMERENE. Was that the time when he arranged to send you money, or provide you with money?

Mr. DRESSER. I think that was the only time I saw him during the campaign.

Senator POMERENE. The only time?

Mr. DRESSER. I think so. It is possible that I saw him twice.

Senator POMERENE. What was said between you on the subject of furnishing money for the campaign, and what you were to do?

Mr. DRESSER. Do you mean between Mr. Edmonds and myself?

Senator POMERENE. Yes.

Mr. DRESSER. I went up to the Wells Building, to the office, and met Mr. Edmonds. We talked over the campaign in general, and particularly the south part of the eleventh district. He said there was not anybody in there. He was looking it over, and he wanted to know if Mr. Hetting could not go into that county and look around and see what was doing, and talk for the Senator.

Senator POMERENE. What else was said?

Mr. DRESSER. I do not know that I can recall.

Senator POMERENE. Was anything said as to what it would cost to take care of these counties that you had charge of?

Mr. DRESSER. Yes, sir. He wanted to know about how much money it would take up there, and I told him that really I did not know. He finally said that \$300 a county ought to do pretty well, and I said I thought it would.

Senator POMERENE. Was anything else said?

Mr. DRESSER. Not that I recall.

Senator POMERENE. Was anything said with reference to the plan of your organization in those counties, and as to what your workers were to do?

Mr. DRESSER. No; I think not.

Senator POMERENE. Who was it that suggested Mr. Hetting—you or he?

Mr. DRESSER. I.

Senator POMERENE. When you retained Mr. Hetting to assist you in this organization, give us your talk with him.

Mr. DRESSER. I would have to make it general. I could not make it detailed.

Senator POMERENE. I do not expect you to remember it verbatim; but give the substance of what you said to him and he to you.

Mr. DRESSER. The substance of it was that he was to travel through the district and create sentiment for Senator Stephenson, and talk to the people, and, if it was necessary in places to get somebody to work and look around, to do it.

Senator POMERENE. You say "to work." What do you mean by that?

Mr. DRESSER. I mean to go out among the people and talk to them and tell them Senator Stephenson's good qualities.

Senator POMERENE. You have said he was to create sentiment. How was that sentiment to be created?

Mr. DRESSER. By talking.

Senator POMERENE. Was anything else said?

Mr. DRESSER. Not that I recall.

Senator POMERENE. What was said as to the compensation he was to receive?

Mr. DRESSER. I told him that he would be paid for his services.

Senator POMERENE. How much?

Mr. DRESSER. I think I told him \$200.

Senator POMERENE. That is, for the entire campaign?

Mr. DRESSER. That is as I understand it.

Senator POMERENE. Was that to include his expenses, or exclusive of his expenses?

Mr. DRESSER. Exclusive of them.

Senator POMERENE. Did he report to you from time to time that he had employed workers in the different counties?

Mr. DRESSER. He did not make any written report, or anything of that kind. He said——

Senator POMERENE. Did he report orally?

Mr. DRESSER. Yes, sir.

Senator POMERENE. What did he say on that subject? What was the substance of it?

Mr. DRESSER. I remember one case in particular. He said a man would put in two or three days traveling through his town and adjoining towns, and see what the sentiment was, and talk to the people for Senator Stephenson.

Senator POMERENE. Did he say he had employed men to help get out the vote on the primary day?

Mr. DRESSER. I do not remember that he said that.

Senator POMERENE. Do you know that he had any arrangement on that subject with any of the men that he had retained?

Mr. DRESSER. No; I do not.

Senator POMERENE. You retained him some time in July, I take it?

Mr. DRESSER. Yes.

Senator POMERENE. How frequently did you see him from the time you retained him until after the primary?

Mr. DRESSER. I hardly know. I used to see him very often when I was in St. Croix Falls and he was there.

Mr. LITTLEFIELD. I did not get that answer, Mr. Dresser.

Mr. DRESSER. I said I saw him very often.

Senator POMERENE. You were both living there in the same town?

Mr. DRESSER. Yes, sir; and I saw him in other parts of the district, also.

Senator POMERENE. And he would report to you the progress of the campaign?

Mr. DRESSER. He would talk it over in a general way.

Senator POMERENE. And you furnished him with money to put up lithographs and circulate printed matter, did you?

Mr. DRESSER. Yes, sir.

Senator POMERENE. And to do treating, as he would go about?

Mr. DRESSER. Yes, sir.

Senator POMERENE. You furnished him money to pay his traveling expenses and his hotel bills?

Mr. DRESSER. Yes, sir.

Senator POMERENE. And to pay men that he would employ to do his work?

Mr. DRESSER. Yes.

Senator POMERENE. Did he ever furnish you an itemized statement of disbursements of any part of the fund which you had given him?

Mr. DRESSER. Not in detail. Along in the spring of 1909 he was in Madison at one time, and we were talking it over. I suggested

to him that maybe it would be well to make me a general statement of what he did, and he did so.

Senator POMERENE. Have you that statement?

Mr. DRESSER. I have it at some place. It is not destroyed; but I have searched for it, and it has been mislaid.

Senator POMERENE. Was it in his handwriting?

Mr. DRESSER. I do not remember as to that.

Senator POMERENE. It was in writing, evidently?

Mr. DRESSER. Yes; he made me a statement of it.

Senator POMERENE. Was it prepared by him in your presence, or by you in his presence?

Mr. DRESSER. My recollection is that he took a slip, put it down, and simply said, as near as I can remember, "I spent it for my salary and for expenses and for livery"—different things.

Senator POMERENE. Did he itemize the expenses and salary?

Mr. DRESSER. I think he did.

Senator POMERENE. And the livery?

Mr. DRESSER. I think so.

Senator POMERENE. Did he take that from a memorandum that he had in his possession, or did he do it from memory?

Mr. DRESSER. He did it from memory.

Senator POMERENE. How many different items did he give?

Mr. DRESSER. Oh, six or seven.

Senator POMERENE. That is, out of this sum of \$2,100? Was that it?

Mr. DRESSER. He did not have that much.

Senator POMERENE. \$1,800?

Mr. DRESSER. Something like that.

Senator POMERENE. He gave you a memorandum of about six or seven items?

Mr. DRESSER. Yes, sir.

Senator POMERENE. He did not pretend to give any further detail?

Mr. DRESSER. No.

Senator POMERENE. Up to that time had you asked him for an accounting?

Mr. DRESSER. No.

Senator POMERENE. Had Mr. Edmonds asked you for an accounting?

Mr. DRESSER. No.

Senator POMERENE. At any time?

Mr. DRESSER. No.

Senator POMERENE. Or had Senator Stephenson?

Mr. DRESSER. No.

Senator POMERENE. Did you furnish Senator Stephenson with an account?

Mr. DRESSER. I did not.

Senator POMERENE. Or Mr. Edmonds?

Mr. DRESSER. No, sir.

Senator POMERENE. Or anyone else?

Mr. DRESSER. No, sir.

Senator POMERENE. What prompted you, in the first instance, to keep a memorandum of the amount that you received and the amount you expended?

Mr. DRESSER. Do you mean this small book that I refer to?

Senator POMERENE. Yes. You said that you had a small book, and that you kept a memorandum, I think, of what you received and what you expended.

Mr. DRESSER. Yes.

Senator POMERENE. What prompted your keeping that memorandum?

Mr. DRESSER. Because I was advancing money.

Senator POMERENE. You were advancing it all to Mr. Hetting?

Mr. DRESSER. Yes, sir.

Senator POMERENE. Did you think you might need that some time later?

Mr. DRESSER. No, sir. If I had thought so, I certainly should have kept it.

Senator POMERENE. Why did you keep it and later destroy it?

Mr. DRESSER. I kept it until the primary was closed. Then I supposed I would never have any use for it.

Senator POMERENE. You knew, did you not, that the statute of this State required the candidate to file an account of his expenditures?

Mr. DRESSER. I knew in a general way that he had to file an expense account.

Senator POMERENE. Did it not occur to you that without a report from you it would be difficult for him to file an account?

Mr. DRESSER. No, sir; I supposed he could do that from his own records.

Senator POMERENE. Why was it that you, in your official duties, were assigned to these particular counties at this particular time?

Mr. DRESSER. Once a year the jails and police lockups of the State were to be visited. Some time early in the season the board divided up the State, and I was assigned to the eleventh district.

Mr. LITTLEFIELD. You mean by that the eleventh congressional district?

Mr. DRESSER. Yes, sir.

Senator POMERENE. When was that done?

Mr. DRESSER. If I remember right, the legislative committee requested me to get the book, and I found it to be the first week in March, 1908.

Senator POMERENE. That is when this assignment of the eleventh district to you was made?

Mr. DRESSER. Yes, sir—that is, the jails, you understand, for the work of the board of control. That is what you have reference to, is it not?

Senator POMERENE. Let us fairly understand each other. As I remember your testimony in answer to the chairman you said it was part of your duties to visit the county asylums and jails.

Mr. DRESSER. Yes, sir.

Senator POMERENE. My question had reference to those institutions or any other institutions which it was your duty to examine. When was that assignment of the eleventh district made to you to investigate those institutions?

Mr. DRESSER. The record will show; but I think it was at the first meeting in March, 1908.

Senator POMERENE. Was it before or after the Stephenson campaign opened?

Mr. DRESSER. It was before. I am sure that when I looked up the record it was before I talked with Senator Stephenson in Washington.

Senator POMERENE. You say the assignment of this territory was made in March. When were you to make the examination of the institutions; or was anything said by the board on that subject?

Mr. DRESSER. Any time during the year—the jails and police lockups.

Senator POMERENE. That was left to your discretion, was it?

Mr. DRESSER. Yes, sir.

Senator POMERENE. I think that is all I care to ask.

The CHAIRMAN. Did you expend any money during the legislative campaign, between the nomination on the 1st of September and the election?

Mr. DRESSER. I do not get the force of your question, Mr. Chairman.

The CHAIRMAN. Did you expend any money during the campaign, after the nominations were made?

Mr. DRESSER. No, sir.

The CHAIRMAN. Did you have charge of any expenditures?

Mr. DRESSER. No, sir.

The CHAIRMAN. Did you at any time take part or have anything to do, either directly or indirectly, with the election of United States Senator?

Mr. DRESSER. Not outside of the primary.

The CHAIRMAN. Nothing after the primaries?

Mr. DRESSER. No, sir.

The CHAIRMAN. You took no active part either in the campaign after the primaries or in the proceedings before the legislature?

Mr. DRESSER. No, sir.

Senator POMERENE. Did you visit Madison with reference to this campaign at any time after the primaries or during the time of the legislative session?

Mr. DRESSER. I was in Madison almost all winter. Our office was in the capitol, and we had meetings at least twice a month.

Senator POMERENE. Did you have anything to do with reference to the subject of creating Stephenson sentiment among the members of the general assembly after its session began?

Mr. DRESSER. No, sir.

Senator POMERENE. Did you take any part in it?

Mr. DRESSER. No.

Senator POMERENE. I think that is all I care to ask.

The CHAIRMAN. The witness is with you, Mr. Littlefield.

Mr. LITTLEFIELD. When, or about when, did you receive the last \$250?

Mr. DRESSER. I do not remember. It was right after the primary.

Mr. LITTLEFIELD. And from whom?

Mr. DRESSER. Mr. Edmonds.

Mr. LITTLEFIELD. Did it come in a check?

Mr. DRESSER. I think so.

Mr. LITTLEFIELD. About September 8?

Mr. DRESSER. Something like that.

Mr. LITTLEFIELD. That made a total of \$2,350 that you received?

Mr. DRESSER. Yes.

Mr. LITTLEFIELD. Beginning with the first item—I want to see if I am correct in this—were your disbursements of this total sum of \$2,350 substantially as follows? To Mr. Nesbit, \$50; Mr. Halls, \$50; Mr. McGill, \$25; Mr. Stevenson, \$75; Mr. Anderson, \$350; and the balance of \$1,800 to Mr. Hetting.

Mr. DRESSER. That is as I remember it. I do not think of anybody else.

Mr. LITTLEFIELD. Did you yourself take any active part in the campaign?

Mr. DRESSER. I did not.

Mr. LITTLEFIELD. Did you do anything except to receive this money from Mr. Edmonds or from Mr. Puelicher—whatever the case may have been—and pass it to the gentlemen that you have named?

Mr. DRESSER. I did that, and when I was through with my official business I always talked for the Senator wherever I was.

Mr. LITTLEFIELD. That was in ordinary conversation?

Mr. DRESSER. Yes, sir.

Senator POMERENE. I did not catch the last answer.

Mr. LITTLEFIELD. He said that when he was through with his official business he would talk for the Senator, wherever he happened to be. That was it, was it not, Mr. Dresser?

Mr. DRESSER. Yes, sir.

Mr. LITTLEFIELD. You assumed no responsibility for the campaign?

Mr. DRESSER. No, sir.

Mr. LITTLEFIELD. You assumed no responsibility for the details of the disbursement of this money?

Mr. DRESSER. No.

Mr. LITTLEFIELD. Did Mr. Edmonds know that Mr. Hetting was to take this part in the campaign?

Mr. DRESSER. He did.

Mr. LITTLEFIELD. Did you report to him the names of the other gentlemen to whom you disbursed funds, or do you remember about that?

Mr. DRESSER. I do not know whether I did or not.

Mr. LITTLEFIELD. What was the territory that was covered by the activities of Mr. Hetting?

Mr. DRESSER. Do you want me to name the counties?

Mr. LITTLEFIELD. Yes.

Mr. DRESSER. Pierce, Dunn, St. Croix, Barron, Polk, Burnett, and Rusk.

Mr. LITTLEFIELD. Can you give the subcommittee any approximation of the aggregate area of these counties?

Mr. DRESSER. From one side of Polk County to the far side of Rusk County is about 100 miles, east and west. North and south it is pretty close to 100 miles from the north end of Burnett County to the south end of Pierce County.

Mr. LITTLEFIELD. I am told that the counties aggregate something like 5,800 square miles. Do you know about that?

Mr. DRESSER. I do not know.

Mr. LITTLEFIELD. You are not sufficiently familiar with their area to testify about that?

Mr. DRESSER. No, sir.

Mr. LITTLEFIELD. Is it or is it not a large territory?

Mr. DRESSER. It is a large territory.

Mr. LITTLEFIELD. State whether or not it is sparsely settled.

Mr. DRESSER. In places it is sparsely settled.

Mr. LITTLEFIELD. Mr. Hetting is the man that had the detail charge of that matter?

Mr. DRESSER. Yes, sir.

Mr. LITTLEFIELD. Was any money expended by you, either directly or indirectly, for the purpose of bribing or corruptly influencing any of the electors in those counties in the interest of Senator Stephenson in that primary campaign?

Mr. DRESSER. No, sir.

Mr. LITTLEFIELD. Was any money expended by any of these gentlemen to whom you intrusted funds, to your knowledge, either directly or indirectly, for the purpose of either bribing or corruptly influencing any of the electors in those counties in the interest of Senator Stephenson in that primary election?

Mr. DRESSER. No, sir.

Mr. LITTLEFIELD. As I understand it, you retained nothing out of this fund either for your services or for any expenses?

Mr. DRESSER. No, sir.

Mr. LITTLEFIELD. So far as you incurred expenses away from your home town during that period, they were expenses incurred by you in the discharge of your official duties?

Mr. DRESSER. Yes, sir.

Mr. LITTLEFIELD. And they were charged by you as such?

Mr. DRESSER. Yes, sir.

Mr. LITTLEFIELD. And reimbursed as such to you by the State?

Mr. DRESSER. Yes, sir.

Mr. LITTLEFIELD. That is all.

Senator POMERENE. Is your position appointive or elective?

Mr. DRESSER. Appointive, by the governor, and confirmed by the Senate.

The CHAIRMAN. That is all.

TESTIMONY OF E. M. HYZER.

E. M. HYZER, having been previously sworn, was examined and testified as follows:

The CHAIRMAN. Mr. Hyzer, you were an attorney of record before the joint investigation committee of the Legislature of Wisconsin, were you not?

Mr. HYZER. I was, sir.

The CHAIRMAN. For whom did you appear?

Mr. HYZER. Senator Stephenson.

The CHAIRMAN. You made an opening statement before that investigation committee on behalf of Senator Stephenson, did you?

Mr. HYZER. I do not remember, sir, now. I presume so.

The CHAIRMAN. We find on pages 14 and 15 of the record that you said: "Mr. Chairman and gentlemen of the committee, in pursuance of the privilege extended by the committee," etc. That was your statement? I ask merely for the purpose of identifying you.

Mr. HYZER. Yes; I presume I did. I have not seen the record since.

The CHAIRMAN. On page 459 of the record I find the following question asked "By Mr. Hyzer"—you are examining Senator Blaine:

Senator, have you any information of any kind, personally or by hearsay, in support of charge No. 13, except what you have in writing?—A. What numbers are those?

Q. Thirteen only.—A. That is in reference to you? No; I haven't.

In that connection I desire to incorporate in the record No. 13 of the specific charges made in this case, as follows:

That E. M. Hyzer and Max Sells, prior to said primary, being at such time employees of the Chicago & North Western Railway Co., a corporation doing business in this State, did contribute and agree to contribute free services as such employees for the purpose to defeat the candidacy of former Assemblyman E. F. Nelson, from the district embracing Florence, Forest, and Langlade Counties, for the nomination for assemblyman from said district, all of which was done with the knowledge and consent and under the direction of said Isaac Stephenson, his agents and employees, contrary to chapter 493, Laws of 1905.

You are the Mr. Hyzer mentioned in that specific charge No. 13, are you?

Mr. HYZER. I suppose so; yes, sir.

The CHAIRMAN. Were you at that time an attorney for the Chicago & North Western Railway Co.?

Mr. HYZER. I was.

The CHAIRMAN. Did you, prior to the primary election in 1908, at which Senator Stephenson was a candidate, contribute or agree to contribute free services, as an employee of the Chicago & North Western Railway Co., for the purpose of defeating the candidacy of former Assemblyman E. F. Nelson, from the district embracing Florence, Forest, and Langlade Counties, for the nomination for assemblyman from said district?

Mr. HYZER. No, sir. I neither contributed anything nor agreed to contribute anything for any such purpose.

The CHAIRMAN. Did you, together with Max Sells, constitute a firm? Were you a firm practicing law?

Mr. HYZER. No, sir.

The CHAIRMAN. Who is Max Sells?

Mr. HYZER. He is an attorney who lives in Florence.

The CHAIRMAN. Was he associated in any way with you in the practice of law?

Mr. HYZER. He was not.

The CHAIRMAN. Or in your employment with the Chicago & North Western Railway Co.?

Mr. HYZER. He was not. I may say that some years prior to that Mr. Sells was local attorney for the North Western road at Florence—some years before that.

The CHAIRMAN. Did you enter into any agreement with Sells, regardless of your other business relations?

Mr. HYZER. I never had a word of conversation on the subject with him or with anyone else on the subject.

The CHAIRMAN. Did you have any correspondence with him?

Mr. HYZER. None.

The CHAIRMAN. You will realize that this charge is made specifically, and it is one of the charges upon which the investigation is based. For that purpose we have called you before the committee to purge yourself of this charge, to know whether or not there is any element of truth in it.

Mr. HYZER. I am glad to do it, sir.

The CHAIRMAN. Can you give us any information or make any statement in reference to any knowledge that you have upon which this charge was or might have been based?

Mr. HYZER. I never could imagine why that charge was made. I did not know Mr. Nelson; I do not think I ever heard of him or his campaign. I never had a word of conversation with anybody on the subject.

The CHAIRMAN. Did you have any correspondence on the subject?

Mr. HYZER. I never had any correspondence with anybody on the subject. As far as I could recall at the time the charge was made, and certainly now, I knew absolutely nothing about the campaign of Mr. Nelson.

The CHAIRMAN. It is alleged that you did these things with the knowledge and consent and under the direction of Isaac Stephenson, his agents and employees. Did you have anything to do with Stephenson's campaign?

Mr. HYZER. Generally speaking, do you mean?

The CHAIRMAN. Generally, and then specifically.

Mr. HYZER. I wouldn't say I did not have anything to do with it, but very little, sir.

The CHAIRMAN. What did you have to do with it?

Mr. HYZER. I was one of Senator Stephenson's attorneys at that time—a member of the firm of Cary, Upham & Black. They had, I understand, been attorneys for Senator Stephenson for many years. I had not. I had recently become a member of that firm. During that campaign Senator Stephenson was frequently at the office. I had recently become one of his attorneys in certain important litigation then pending, and naturally was thrown much in contact with Senator Stephenson. As his campaign was going on at the time, I used to hear more or less talk about it; and many people from various parts of the State, during that campaign, came to the office to see Senator Stephenson. Many of them I knew, and many of them called upon me at the same time and talked to me about the campaign. That is all I had to do with the campaign, and that was strictly nothing. It was more social than anything else.

I want to say with reference to that specific charge, however, that I never had a word with Senator Stephenson on that subject, or with anybody for Senator Stephenson.

Senator POMERENE. You mean on the subject of the campaign generally?

Mr. HYZER. No; that Nelson campaign.

Mr. LITTLEFIELD. The thirteenth specification?

Mr. HYZER. Yes; if that is the number.

Mr. LITTLEFIELD. Yes; that is the number.

Mr. HYZER. That charge is wholly without foundation of any kind.

The CHAIRMAN. You never received any money from anyone for any services performed or to be performed in connection with Senator Stephenson's political campaign in 1908?

Mr. HYZER. Not a dollar.

The CHAIRMAN. Nor did you expend any money in connection with it?

Mr. HYZER. No, sir; I had nothing to do with the expenses or expenditures of that campaign.

Senator POMERENE. Was there, so far as you know, any concerted effort among the officials of the Chicago & North Western Railway Co. to aid his campaign?

Mr. HYZER. I might say there was none. I have never heard of any.

Senator POMERENE. Of course it is to be assumed that a man here and there might be interested; but was there any concerted effort, so far as you know——

Mr. HYZER. No, sir.

Senator POMERENE (continuing). Among the officials or the attorneys of the railroad, locally or generally?

Mr. HYZER. No, sir. It was not a matter the North Western road was interested in, one way or the other; it could not have been.

Senator POMERENE. Have you any information that can shed any light on the subject of these charges?

Mr. LITTLEFIELD. You mean now, Senator, the charges outside of the particular one that Mr. Hyzer has been testifying in reference to?

Senator POMERENE. Yes.

Mr. HYZER. I have none, sir.

Senator POMERENE. I think that is all I care to ask.

Mr. LITTLEFIELD. We have nothing, unless Mr. Hyzer desires to make some further statement. It seems to me he has covered the ground.

The CHAIRMAN. It seems to me he has covered all the ground.

Mr. HYZER. I do not see how I can make any further statement.

Mr. LITTLEFIELD. I suppose Mr. Hyzer is excused now?

The CHAIRMAN. Yes; Mr. Hyzer is excused.

TESTIMONY OF MAX SELLS.

MAX SELLS, having been previously sworn, was examined and testified as follows:

The CHAIRMAN. Mr. Blaine, then and now a State senator, I believe, filed specific charges against Senator Stephenson before the legislature of Wisconsin. The thirteenth charge that was filed, upon which these proceedings were primarily based, reads as follows:

That E. M. Heyzer and Max Sells, prior to said primary, being at such time employees of the Chicago & North Western Railway Co., a corporation doing business in this State, did contribute and agree to contribute free services as such employees for the purpose to defeat the candidacy of former assemblyman E. F. Nelson, from the district embracing Florence, Forest, and Langlade Counties, for the nomination for assemblyman from said district, all of which was done with the knowledge and consent under the direction of said Isaac Stephenson, his agents, and employees contrary to chapter 493, laws of 1905.

Are you the Max Sells referred to in that specific charge?

Mr. SELLS. I am.

The CHAIRMAN. What position, if any, did you hold during the primary campaign of 1908?

Mr. SELLS. I was district attorney of Florence County.

The CHAIRMAN. Were you an attorney for the Chicago & North Western Railway Co.?

Mr. SELLS. I was not.

Senator POMERENE. You were not at that time?

Mr. SELLS. I was not at that time, and had not been for a number of years prior to that.

The CHAIRMAN. Were you an employee, in any capacity, of the Chicago & North Western Railway Co.?

Mr. SELLS. No, sir.

The CHAIRMAN. Is the statement contained in this thirteenth charge true in any particular at all?

Mr. SELLS. Not in any particular whatever.

The CHAIRMAN. It is charged, in effect, that you sought to defeat the candidacy of former assemblyman E. F. Nelson. Do you know Mr. Nelson?

Mr. SELLS. Yes, sir; I am personally acquainted with him.

The CHAIRMAN. Did you, directly or indirectly, do anything for the purpose of defeating his nomination?

Mr. SELLS. I did not.

The CHAIRMAN. State the facts a little more specifically in regard to the matter, Mr. Sells.

Mr. SELLS. Mr. Nelson, when he became a candidate for the assembly, sent me his nomination papers to be circulated.

Senator POMERENE. That is Thomas P. Nelson?

Mr. SELLS. E. F. Nelson. I circulated his nomination papers, or had them circulated and properly acknowledged, and sent them to him, and had some correspondence with reference to his candidacy; but I neither did anything for him nor against him, any further than to circulate his nomination papers.

The CHAIRMAN. Did you support him at the primaries?

Mr. SELLS. I do not remember now that I voted for him. I do not believe I did. I believe I voted for Reeder.

The CHAIRMAN. Reeder was the opposition candidate?

Mr. SELLS. He was a candidate, on the Republican ticket, in opposition to Nelson.

The CHAIRMAN. Nelson was also on the Republican ticket, was he?

Mr. SELLS. Yes. I will state that I made a canvass of those three counties there; but it was in favor of Senator Wright, and not in favor of any assemblyman. I never mentioned any candidate for assemblyman.

The CHAIRMAN. So that the statement contained in the thirteenth specific charge filed by John J. Blaine, then a State senator from the sixteenth district, is not true, you say?

Mr. SELLS. No, sir; it is not true.

The CHAIRMAN. In any particular?

Mr. SELLS. No, sir; not in any particular.

The CHAIRMAN. Nelson was not nominated, was he?

Mr. SELLS. No; he was not.

The CHAIRMAN. Who was nominated?

Mr. SELLS. Mr. Reeder was nominated, but Mr. Nelson carried Florence County; and he got beaten in his home district, in Langlade County. I might further say to the subcommittee that I was not supporting Mr. Stephenson in that campaign.

The CHAIRMAN. You were not?

Mr. SELLS. I was not. I was supporting Cook, who was a candidate for United States Senator.

Mr. LITTLEFIELD. Did you ever have any conversation with Mr. Hyzer in relation to this alleged conspiracy in connection with Mr. Nelson?

Mr. SELLS. No, sir.

Mr. LITTLEFIELD. Have you any idea of any foundation for this charge that Mr. Blaine makes?

Mr. SELLS. Absolutely none.

Mr. LITTLEFIELD. That is all.

The CHAIRMAN. You are excused.

Mr. LITTLEFIELD. Do we understand that Mr. Sells is excused?

The CHAIRMAN. Mr. Sells is excused.

TESTIMONY OF EDWARD M. McMAHON.

EDWARD M. McMAHON, having been previously sworn, was examined and testified as follows:

The CHAIRMAN. What is your business or occupation?

Mr. McMAHON. General agent for the Northwestern Mutual Life Insurance Co., at Madison.

The CHAIRMAN. Where is your place of business?

Mr. McMAHON. Madison, Wis.

The CHAIRMAN. How long have you been in that employment?

Mr. McMAHON. Since a year ago last January.

The CHAIRMAN. In what were you engaged in the spring, summer, and fall of 1908?

Mr. McMAHON. In the spring I was finishing my course at the University of Wisconsin. In the summer I was connected with the Stephenson senatorial campaign. In the fall I was back in the law school at the university.

Mr. LITTLEFIELD. Did I understand that Mr. McMahon is the general agent for the State for the Northwestern Mutual?

Mr. McMAHON. No. There are five general agents.

The CHAIRMAN. What law school were you attending in 1908?

Mr. McMAHON. The law school of the university, at Madison.

The CHAIRMAN. How old are you?

Mr. McMAHON. Twenty-seven.

The CHAIRMAN. Are you a member of the bar?

Mr. McMAHON. No. I have never been admitted to the bar.

The CHAIRMAN. Did you enter into an agreement, in 1908, to devote your time and services to the interests of Senator Stephenson for the United States Senate?

Mr. McMAHON. Yes, sir.

The CHAIRMAN. With whom did you make that arrangement?

Mr. McMAHON. I made the real arrangement with Mr. Sacket. I made the preliminary arrangement with Mr. Puelicher.

The CHAIRMAN. What was the arrangement you made with Mr. Puelicher, preliminary to the one that you made with Mr. Sacket?

Mr. McMAHON. I made an arrangement with Mr. Puelicher to go over and see Mr. Sacket about becoming engaged in the campaign.

The CHAIRMAN. He sent you to Mr. Sacket?

Mr. McMAHON. Yes, sir.

The CHAIRMAN. Are you a native-born citizen of Wisconsin?

Mr. McMAHON. Yes, sir.

The CHAIRMAN. Did you know Mr. Sacket personally, before this time?

Mr. McMAHON. No, sir.

The CHAIRMAN. You knew Mr. Puelicher, did you?

Mr. McMAHON. Yes, sir.

The CHAIRMAN. Were you then of age—a voter?

Mr. McMAHON. Yes, sir.

The CHAIRMAN. When did you attain your majority?

Mr. McMAHON. I am 27 years of age now. It would be six years ago. That would be 1905.

Mr. LITTLEFIELD. On what day were you born?

Mr. McMAHON. March 6, 1883.

The CHAIRMAN. You had been of age for a little less than two years. You had not voted at that time, had you?

Mr. McMAHON. I think I had voted in the spring election.

The CHAIRMAN. Your first vote was in the local spring election of 1908, was it not?

Mr. McMAHON. I think that is right.

The CHAIRMAN. And you entered, shortly after that, into this arrangement to work for Senator Stephenson. What work were you to do?

Mr. McMAHON. When I was first engaged, the understanding was that I was to work at the headquarters.

The CHAIRMAN. The understanding was that you were to do office work?

Mr. McMAHON. Yes, sir.

The CHAIRMAN. How much money did you receive on the first occasion when you received any money on behalf of this employment?

Mr. McMAHON. \$50.

The CHAIRMAN. From whom?

Mr. McMAHON. I believe it was from Mr. Puelicher.

The CHAIRMAN. Was that before he sent you to Mr. Sacket, or afterwards?

Mr. McMAHON. Afterwards.

The CHAIRMAN. Did Mr. Sacket give you any money when you went to him from Mr. Puelicher?

Mr. McMAHON. Mr. Puelicher did not really complete the arrangement for my connecting myself with the campaign. I happened to be in the Marshall & Ilsley Bank on other business, and Mr. Puelicher asked me what I was to do in the summer time. So he told me that he thought he would want to call me up and see me again. When he did, after a conversation, he sent me to Mr. Sacket.

The CHAIRMAN. Had you known Mr. Puelicher any length of time before that?

Mr. McMAHON. I had known him a couple of years, and quite well.

The CHAIRMAN. When you got this \$50, what were you told to do?

Mr. McMAHON. The first \$50 that I received was for expenses on a trip out into the State.

The CHAIRMAN. Where?

Mr. McMAHON. I think I first went to Port Washington, Ozaukee County.

The CHAIRMAN. What did you do there?

Mr. McMAHON. I saw a Mr. Larson.

The CHAIRMAN. Concerning what did you see him?

Mr. McMAHON. I went to Port Washington to find out the political situation as regards the primaries.

The CHAIRMAN. What do you mean by "political situation"? You mean you went to find out what the sentiment was?

Mr. McMAHON. To find out whether or not there was any Stephenson sentiment there, I suppose, because Senator Stephenson had announced his candidacy for the United States Senate, and to find out how the leaders were going to stand on the question of the senatorial nominee.

The CHAIRMAN. Did you find out?

Mr. McMAHON. I interviewed several leaders. Up to date I have said that my work was to be in the headquarters, but when I went out into the State my work was to ascertain the sentiment, and also to get the best men we could get to take charge of the Stephenson interests in that county.

The CHAIRMAN. Did you get some one to take charge of it?

Mr. McMAHON. I got Mr. Larson.

The CHAIRMAN. Did you pay him any money?

Mr. McMAHON. No, sir.

The CHAIRMAN. Give the full name of Mr. Larson.

Mr. McMAHON. I do not remember it.

The CHAIRMAN. In all cases when you are speaking of names, give the full names, where you can remember them.

Mr. McMAHON. I do not remember his name.

Mr. LITTLEFIELD. Was it C. O. Larson?

Mr. McMAHON. I believe it was.

Mr. LITTLEFIELD. That will give us the identity of the man.

The CHAIRMAN. Did you make any arrangement by which Mr. Larson was to receive any money?

Mr. McMAHON. When we found a man like Mr. Larson who was favorably disposed toward Senator Stephenson's candidacy, my work was to talk over and work out with him, in a general way, the conditions upon which he would take up Senator Stephenson's interests in that county.

The CHAIRMAN. Did you reach an agreement with him?

Mr. McMAHON. Yes.

The CHAIRMAN. What was the agreement?

Mr. McMAHON. That Mr. Larson was, I believe, to make the arrangement at the headquarters in this particular case.

The CHAIRMAN. That is, Mr. Larson was to go to the headquarters to make an arrangement, and you did not make any arrangement with him?

Mr. McMAHON. We may have talked it over, in a general way, as to what it would cost for him to take care of the county.

The CHAIRMAN. What did he think it would cost?

Mr. McMAHON. I do not remember.

The CHAIRMAN. That refers to the first \$50. When did you get some more money?

Mr. McMAHON. I do not remember that.

The CHAIRMAN. How much money did you get altogether?

Mr. McMAHON. I think less than \$300 for expenses, which simply included traveling expenses.

The CHAIRMAN. How much did you get, in addition to the expense money?

Mr. McMAHON. I think I was employed two months, on a salary of \$150 a month.

The CHAIRMAN. And you got \$300 in addition to that. Did you get any other money?

Mr. McMAHON. No, sir.

The CHAIRMAN. Did you handle any other money for the Stephenson campaign during the summer of 1908?

Mr. McMAHON. No, sir.

The CHAIRMAN. Did you expend all of the money allowed you for expenses?

Mr. McMAHON. No, sir; there was, I think, about \$20 left.

The CHAIRMAN. Did you file an account?

Mr. McMAHON. I filed an account of everything.

The CHAIRMAN. Of every item?

Mr. McMAHON. Yes; and at the end of the campaign, as I say, there was a margin left over, of expense advanced.

The CHAIRMAN. With whom did you file that account?

Mr. McMAHON. When I started out of the headquarters into the State to visit different counties, I secured a couple of traveling expense booklets. I used, altogether, three during the summer. I kept an itemized account of my expenses, and turned them over to the office at the end of the campaign.

The CHAIRMAN. To whom did you turn them over?

Mr. McMAHON. To Mr. Sacket.

The CHAIRMAN. Have you ever seen them since?

Mr. McMAHON. No, sir.

The CHAIRMAN. Did you ever inquire of Mr. Sacket as to where those books were?

Mr. McMAHON. I did not inquire. I believe, in conversation with him, we spoke about them.

The CHAIRMAN. What did he say as to the whereabouts of the books?

Mr. McMAHON. He was of the opinion that they had been turned over to the Wisconsin legislative committee?

The CHAIRMAN. They are not with the exhibits enumerated, and I have sent for a book containing an index of the exhibits furnished to that committee. While it is being searched for, I will ask you this: Did you expend any money for treats, liquor, and cigars out of this fund?

Mr. McMAHON. I expended some money on cigars, but not to my knowledge for any liquid refreshments.

The CHAIRMAN. How much did you expend for cigars?

Mr. McMAHON. Oh, it is very difficult to say. Not very much. But the items are all in this account.

The CHAIRMAN. Would you say that \$10 was much or little?

Mr. McMAHON. Oh, probably a little more than that.

The CHAIRMAN. \$20?

Mr. McMAHON. It was probably closer to \$20.

The CHAIRMAN. State whether or not that was a casual purchasing of cigars, or whether you made a business of buying cigars and giving them to those electors with whom you came in contact.

Mr. McMAHON. I did not come in contact with very many electors. I did not make an individual visitation of the voters. I saw the

leaders, and naturally I would not have much occasion to buy cigars; and any cigars that were given or bought were given or bought in a purely incidental way.

The CHAIRMAN. Your salary was then running; you did not account for that?

Mr. McMAHON. No; I received the salary after the primary.

The CHAIRMAN. Are you quite sure that you left the memorandum or account books with the committee? You say you turned them over to whom?

Mr. McMAHON. To Mr. Sacket.

The CHAIRMAN. They do not appear to be among any exhibits that were with the committee.

You went to see Mr. Stevens, a banker, in the interest of Senator Stephenson, did you?

Mr. McMAHON. Yes, sir.

The CHAIRMAN. When did you go to see him?

Mr. McMAHON. It must have been some time around the 1st of August or the latter part of July, as I remember now. It might have been earlier.

The CHAIRMAN. Did you make a proposition to Mr. Stevens that, in consideration of his supporting Senator Stephenson's candidacy, you would do what you could in his interest to have his bank made a public depository, or a depository of public moneys?

Mr. McMAHON. No, sir.

The CHAIRMAN. In your testimony before the legislative committee, on pages 3925 and 3926, I find this statement:

Q. Mr. L. H. Stevens is a banker at Lancaster?—A. At Lancaster, yes.

Q. Was there any talk between you and him with reference to Stephenson's bank deposit?—A. Yes.

Q. What was that talk?—A. I went into Mr. Stevens's bank, not to see Mr. Stevens on politics, but to see a young man that worked in the bank, regarding something entirely aside from politics.

Q. At Marinette?—A. At Lancaster; and Mr. Stevens complained of the shortage of currency, and during this time though I had him in mind as being a desirable half-breed in Grant County to get interested in the campaign, so I asked—the idea happened to occur to me, I don't know how—I asked whether or not he had a State deposit; he said no; I asked him where the closest one was, and I believe he told me Platteville. I said, "Why don't you get after one?" And that seemed to impress him, he seemed to become interested. So when I went back to Milwaukee I took up the matter with Mr. Edmonds.

Tell us the facts in regard to the matter.

Mr. McMAHON. I had known Mr. Stevens's family. I had known two of his sisters quite well at the university; and when I first talked to him at all, it was not for the purpose of offering or attempting to offer him a depository, neither was I interested in securing his services when I went to the bank. We talked about general business conditions, and in that connection he said, among other things, that money was scarce; and I made the very causal remark at that time as to there being no State depository—not "Stephenson depository" as the original testimony seems to have it—but no State depository in Lancaster. I suggested, in a general way, with no idea of connecting it with my work at that time on behalf of the Stephenson campaign, that he try to secure such depository; and, so far as using that idea to secure his services in the Stephenson campaign was concerned, that was never present in my mind. This was personal. This was not as

the representative of the Stephenson campaign committee; I told him that I would suggest it.

The CHAIRMAN. You were working on a salary, then, for the Stephenson campaign committee?

Mr. McMAHON. Yes. He became more interested in the matter of the State depository than I was in having him secure it; but that seemed to impress him, and after talking about other things I said that when I went back to Milwaukee I would try to secure the influence of Mr. Edmonds; but it was not the influence of Mr. Edmonds as chairman of the Stephenson committee.

Mr. LITTLEFIELD. Or as affecting the campaign?

Mr. McMAHON. Or as affecting the campaign.

Mr. LITTLEFIELD. That is, it was no part of any consideration of his engaging in it?

Mr. McMAHON. No.

Mr. Stevens was engaged to assist Mr. Stephenson in Grant County before the matter of a State depository was an important matter.

The CHAIRMAN. Was the statement which I have read from pages 3925 and 3926 of the record of the legislative committee a true statement of what occurred there?

Mr. McMAHON. Yes; it is true; and I do not see anything in connection with my statement that I have just made that is contradictory of that.

The CHAIRMAN. I was not drawing a comparison. I want your unqualified statement as to the fact.

Mr. McMAHON. Yes.

The CHAIRMAN. You took that matter up with Mr. Frear or Mr. Gilbert and the other people who had the giving out of this favor, did you?

Mr. McMAHON. Yes; but I have not stated enough in connection with the other matter, to take up this matter that you ask me about now.

The CHAIRMAN. Suppose I exercise some judgment about that. I know what you have stated. Did you take this up with Mr. Frear, or Mr. Gilbert, and other people who had the giving out of this favor?

Mr. McMAHON. No, sir.

The CHAIRMAN. At no time?

Mr. McMAHON. I never did; no, sir.

The CHAIRMAN. You say:

"We took up the matter."

Whom did you mean by "we?"

I will read your statement before the legislative committee:

We took up the matter with Mr. Frear, Mr. Gilbert, and the other people who had the giving of that, but so far as I know it was never given.

Whom did you mean by "we?"

Mr. McMAHON. Mr. Edmonds told me that he had taken up the matter.

The CHAIRMAN. Oh! That refers to the establishment of a depository, or the creation of the Stevens bank into a depository of public funds, does it?

Mr. McMAHON. Yes.

The CHAIRMAN. The question is:

Q. This conversation with Stevens, was that at the time you got him to agree to work in the Stephenson campaign that you told him you would take the matter up and see about getting him a State depository?

And you answer:

A. Both of these matters were discussed the same time I went to Lancaster, which was once or twice that I went there to talk over the matter and get him interested, but I shouldn't say that it was part of the agreement, because in the first place I, nor the Stephenson people, I know they were not in a position to promise him anything of that kind.

Is that answer true now?

Mr. McMAHON. Yes, sir.

The CHAIRMAN (continuing reading):

Q. Was there anything said with reference to any business relations with the Stephenson bank at Marinette?—A. Anything said to Mr. Stevens?

Q. Yes.—A. Absolutely nothing.

Now, you may make any statement that you desire to make in relation to what you have already said in your testimony to-day.

Mr. McMAHON. The second time that I visited Mr. Stevens, and before the second time I visited him, he had been engaged to take up Mr. Stephenson's interests in Grant County.

(By request of the chairman the reporter repeated the answer just given by the witness.)

The CHAIRMAN. Let me ask you this question in connection with that answer [reading]:

Q. Was it before or after he had agreed to do some work for Stephenson that you promised to see that Mr. Edmonds did something toward getting him some State deposits?—A. Both before and after.

Mr. McMAHON. Yes.

The CHAIRMAN. As I understand this answer—and if I understand it incorrectly, you may explain it—it means that before he promised to support Senator Stephenson's campaign you had spoken about a State depository. Is that correct?

Mr. McMAHON. Yes, sir.

The CHAIRMAN. So that he did not promise to vote for Senator Stephenson until after you had talked to him about getting him a State depository?

Mr. McMAHON. That is right.

The CHAIRMAN. And you also talked it over after he had promised?

Mr. McMAHON. Yes, sir.

The CHAIRMAN. Do you know what money was placed in Mr. Stevens's hands by the campaign committee, to work for Senator Stephenson?

Mr. McMAHON. I know that there was money placed in his hands.

The CHAIRMAN. Do you know how much?

Mr. McMAHON. I do not remember the exact amount.

The CHAIRMAN. Did you ever report to Senator Stephenson, or anyone representing him, that you had this talk with Mr. Stevens about getting him the State deposits before he had agreed to support Senator Stephenson? Did you ever report that fact?

Mr. McMAHON. I do not remember to have done so.

The CHAIRMAN. When you had had the first talk with Mr. Stevens in regard to securing State deposits for him, you came right to Milwaukee, did you not?

Mr. McMAHON. I believe I stopped off at one or two places on the way in. However, I did come—

The CHAIRMAN. You were here within a day or two?

Mr. McMAHON. Within a week, at least.

The CHAIRMAN. And you reported the conversation to Mr. Edmonds or Mr. Sacket, did you?

Mr. McMAHON. I do not think I reported the matter regarding the State depository, at that time.

The CHAIRMAN. Did you not mention the fact that you had talked with Mr. Stevens about securing State deposits for him, when you came into State headquarters the first time after having had this talk?

Mr. McMAHON. I do not believe so.

The CHAIRMAN. That was, in your judgment, quite an important matter, was it not?

Mr. McMAHON. No, sir; not at that time.

The CHAIRMAN. Whatever inspired you to take an interest in Stevens's bank, to the extent that you would volunteer your services to secure State deposits for him?

Mr. McMAHON. I knew Mr. Stevens's family, so that I was interested in him personally.

The CHAIRMAN. Had you known Mr. Stevens long before that, personally?

Mr. McMAHON. I had not known him.

The CHAIRMAN. You never had met him until that time when you went to the bank, had you?

Mr. McMAHON. Never.

The CHAIRMAN. What members of his family had you met?

Mr. McMAHON. Two of his sisters.

The CHAIRMAN. Where were they living?

Mr. McMAHON. I do not know where they were living at that time. They had formerly attended the university.

The CHAIRMAN. You met them at the university, did you?

Mr. McMAHON. Yes, sir.

The CHAIRMAN. Did you know, at the time you met them at the university, that Mr. Stevens was a banker?

Mr. McMAHON. I did not know that he was a banker until I went to Lancaster.

The CHAIRMAN. You learned for the first time when you went to the bank, or to Lancaster, that he was a banker; and you did not know him as the brother of the young ladies with whom you were acquainted at the university, did you?

Mr. McMAHON. No, Senator. My first mention of the idea of the State depository was simply, I imagine, to fill in; just as if I had filled in by talking about the weather.

The CHAIRMAN. Had you ever secured State funds for any bank?

Mr. McMAHON. No; but I understood that the State's money was distributed largely throughout the State.

The CHAIRMAN. Had you known of any bank having State funds on deposit?

Mr. McMAHON. A large number of banks.

The CHAIRMAN. You had known of that personally?

Mr. McMAHON. Yes.

The CHAIRMAN. What banks had State deposits at that time?

Mr. McMAHON. The First National Bank of Madison; the Manitowoc Bank of Manitowoc, Wis.

The CHAIRMAN. You knew of that personally?

Mr. McMAHON. Not so much the individual banks. I knew the method of having State depositories granted; that there was a commission for that purpose.

Senator POMERENE. You knew what?

Mr. McMAHON. I knew the method of having State depositories granted to different banks; that is, that the commission had charge of that matter.

Senator POMERENE. You knew the commission method?

Mr. McMAHON. Yes; and I knew, in a general way, that a large number of banks had State deposits; that the State depositories were split up in a large number of banks, rather than being concentrated in a few large banks.

The CHAIRMAN. What was the occasion of your first visit to Mr. Stevens's bank?

Mr. McMAHON. To see another person.

The CHAIRMAN. Did you see that person there?

Mr. McMAHON. That person had left, because the organization of the bank had been changed; and that is why I did not know that Mr. Stevens was there. I knew that Mr. Stevens's people were in the banking business and had several banks down in that section.

The CHAIRMAN. When you failed to meet your friend, who was the occasion of your visit, did you inquire for Mr. Stevens?

Mr. McMAHON. Mr. Stevens was there, as the cashier of the bank, and I naturally introduced myself to him.

The CHAIRMAN. You had a conversation with Mr. Stevens, did you, in relation to your friend's absence?

Mr. McMAHON. Yes, sir.

The CHAIRMAN. And you learned that he was Mr. Stevens?

Mr. McMAHON. Yes, sir.

The CHAIRMAN. You were out, then, campaigning for Senator Stephenson, were you not? That was after you had received some money for that purpose?

Mr. McMAHON. Yes.

The CHAIRMAN. And you had made arrangements for a monthly salary?

Mr. McMAHON. Yes, sir.

The CHAIRMAN. And because of being there and meeting Mr. Stevens, you entered into a conversation with him with regard to the State deposits. Is that correct?

Mr. McMAHON. No, sir.

The CHAIRMAN. Well, state the fact.

Mr. McMAHON. I mentioned very casually, in talking about business conditions, after having asked him about business conditions, and his saying that money was scarce, the matter of a State depository and asked him whether his bank was a State depository.

The CHAIRMAN. Well?

Mr. McMAHON. He told me no. It seemed to be a new idea to him. I could see, however, that he became interested in the idea that the State distributed money around among different banks.

The CHAIRMAN. Did you know his politics at that time?

Mr. McMAHON. I knew his politics before I went there.

The CHAIRMAN. What did you understand his political affiliations to be?

Mr. McMAHON. I understood that he had been a strong "half-breed."

The CHAIRMAN. According to that would he be a supporter of Senator Stephenson, as you understood it, or an antagonist of Senator Stephenson?

Mr. McMAHON. At that time I would have expected that he would be a Stephenson man. That was early in the campaign, and at that time a "half-breed," to my mind, was a Stephenson man.

The CHAIRMAN. What did a "full-blood" mean?

Mr. LITTLEFIELD. "Stalwart," Mr. Chairman. Not "full-blood," but "stalwart." They are not known as "full-bloods" and "half-breeds," but as "stalwarts" and "half-breeds."

The CHAIRMAN. I want this witness to testify.

You say a "half-breed" would be taken to be a Stephenson man. What would a man who was not a "half-breed" be taken to be?

Mr. McMAHON. He would be a "stalwart."

The CHAIRMAN. For whom would he be?

Mr. McMAHON. Opposed to La Follette and the La Follette organization of previous years.

The CHAIRMAN. Opposed to Stephenson?

Mr. McMAHON. Not necessarily, at that time.

The CHAIRMAN. Then Stephenson stood on middle ground, did he, between the "stalwarts" and the "half-breeds"?

Mr. McMAHON. I did not think that.

The CHAIRMAN. What did you think?

Mr. McMAHON. I thought that Senator La Follette and Senator Stephenson at that time had the same organization.

The CHAIRMAN. So that you understood, when you went to Mr. Stevens's bank, that you were going into a friendly atmosphere so far as Senator Stephenson was concerned?

Mr. McMAHON. At least not antagonistic.

The CHAIRMAN. Did you mention Senator Stephenson's candidacy at that time, to Mr. Stevens?

Mr. McMAHON. Yes, sir.

The CHAIRMAN. What did you say to him?

Mr. McMAHON. I do not remember exactly, but if I did say anything at that time, it was in the usual way of asking what his idea was on the senatorial primary situation.

The CHAIRMAN. What did he say?

Mr. McMAHON. As I remember now, he said that he did not know; that he had not taken any stand.

The CHAIRMAN. That he had not taken any stand?

Mr. McMAHON. No; that he had not taken any stand on the campaign.

The CHAIRMAN. For or against anybody?

Mr. McMAHON. For or against anybody; that he had no conviction.

The CHAIRMAN. He told you so?

Mr. McMAHON. Yes. I remember distinctly his having told me that.

The CHAIRMAN. That was on the occasion when you had first talked with him with reference to the State deposits, was it?

Mr. McMAHON. Well, I should say that the matter of determining what his attitude was to be in the senatorial primary was a very much more important matter of discussion than the matter of a depository at the time of the first visit.

The CHAIRMAN. But you had talked of this matter of deposits to him?

Mr. McMAHON. I had remarked about that in a casual way.

The CHAIRMAN. When he said that he was undecided, did you talk to him about Senator Stephenson's candidacy?

Mr. McMAHON. We talked over the general political situation and the past political situation.

The CHAIRMAN. What did you say to him with reference to Mr. Stephenson's candidacy? Did you tell him you were out canvassing for Stephenson?

Mr. McMAHON. Yes, sir.

The CHAIRMAN. And what did you say to him as to what his attitude should be?

Mr. McMAHON. I naturally told him that Mr. Stephenson was the "half-breed" candidate to support, and gave the reasons why.

The CHAIRMAN. Did you ask him to support Mr. Stephenson?

Mr. McMAHON. I do not know that I asked him, but that was the conclusion. I know that was the conclusion of what I said before I left him.

The CHAIRMAN. Did you tell him, then, with whom you would take up the question of the State deposits?

Mr. McMAHON. After talking politics and discussing the matter of his choice for Senator, and just before leaving there, he came back to that same subject.

Senator POMERENE. What do you mean by the "same subject?"

Mr. McMAHON. The matter of the State depository. I was of the opinion that he had been thinking more about that than about politics.

The CHAIRMAN. You told him, then, that you would take it up?

Mr. McMAHON. I told him then that I would take it up with Mr. Edmonds when I came back.

The CHAIRMAN. And with Mr. Frear and Mr. Gilbert?

Mr. McMAHON. Yes. Not directly, though. I did not speak about it directly.

The CHAIRMAN. He understood that you were conversant with the method of procuring State depositories?

Mr. McMAHON. Yes, sir.

The CHAIRMAN. And that you knew how to proceed?

Mr. McMAHON. Yes, sir.

The CHAIRMAN. Can you fix the date?

Mr. McMAHON. No, sir.

The CHAIRMAN. How near can you come to fixing it?

Mr. McMAHON. Why, it must have been the latter part of July or around the 1st of August.

The CHAIRMAN. You were out, then, spending the \$50, were you?

Mr. McMAHON. Yes, sir.

The CHAIRMAN. The first \$50 that you received?

Mr. McMAHON. The first \$50 that I received.

The CHAIRMAN. You had received it three or four days before that time, had you not?

Mr. McMAHON. As I remember, I had been up in some other part of the State before I went down to Grant County.

The CHAIRMAN. Yes; but that only took you a day or two, did it not?

Mr. McMAHON. I would not want to say as to that, because my memory does not serve me at this time.

The CHAIRMAN. You only had a week in which to spend that money? That \$50 was received on July 6, and it was evidently exhausted before July 13, because you then applied for and received more money?

Mr. McMAHON. Yes.

The CHAIRMAN. It was while you were spending the first \$50, and therefore it was between July 6 and July 13, that you saw Mr. Stevens?

Mr. McMAHON. Senator, let me make one correction there. I do not know that I was spending the first \$50.

The CHAIRMAN. You just said you were.

Mr. McMAHON. I am not sure about that. I was spending money I had from the Stephenson people. Whether it was the first or the second fifty, I do not know.

The CHAIRMAN. The second \$50 was not very long after that?

Mr. McMAHON. If I had here the memorandum that I kept, I would be able to tell you exactly.

The CHAIRMAN. The third fifty was only at the end of the next week? You seem to have been drawing about \$50 a week. Do you want to correct your statement that that was during the time you were spending the first \$50?

Mr. McMAHON. I did not intend to give the impression that I knew I was spending the first \$50 at that time. I do not know which fifty it was.

The CHAIRMAN. Can you commence over again and fix about the date when this occurrence between you and Mr. Stevens transpired?

Mr. McMAHON. I can not get any closer to it than to say it must have been some time in the latter part of July or the first couple of weeks of August.

The CHAIRMAN. Why do you now move up to the latter part of July?

Mr. McMAHON. It may have been the middle of July. I can not say.

The CHAIRMAN. Mr. Stevens at that time had not associated himself with Senator Stephenson's campaign, had he?

Mr. McMAHON. When I left there I did not know whether he would or not.

The CHAIRMAN. When did you next go back and see Mr. Stevens?

Mr. McMAHON. It must have been a week or 10 days after that.

The CHAIRMAN. What conversation did you have with him then?

Mr. McMAHON. As I remember, I wanted to determine whether or not he was to give his time to the campaign.

The CHAIRMAN. Had the terms upon which he would give his time to the campaign been talked about?

Mr. McMAHON. I do not remember whether that was the first or the second time I saw him.

The CHAIRMAN. In addition to the subject of the State deposits and the disposal of his doubt in regard to whether or not he would support Senator Stephenson, do you think that at that same conversation you made any arrangement with him for the giving of his time in behalf of Senator Stephenson?

MR. McMAHON. I do not remember. I should say not. I believe that was the second time.

THE CHAIRMAN. Is it not a fact that considerable time elapsed between this conversation in which Mr. Stevens' mind was in doubt as to whom he would support for Senator and the time that any arrangement was made with him?

MR. McMAHON. I believe that is correct.

THE CHAIRMAN. Do you not think it was as much as two weeks?

MR. McMAHON. It may have been two weeks.

THE CHAIRMAN. You received, on July 6, \$50; on July 13, one week later, \$50; on July 21, \$50; and on July 30, \$50. There were four sums of \$50 each, paid to you practically once a week. During that campaign when were you last in that county, or the place where Mr. Stevens has his bank?

MR. McMAHON. During the entire campaign?

THE CHAIRMAN. Yes. You did not go back there after about the 1st of August, did you?

MR. McMAHON. I believe I was in Lancaster either twice or three times during the campaign.

THE CHAIRMAN. That was all during July?

MR. McMAHON. That was all during the first month of the campaign. I do not know whether it was July; it might have gone into August.

THE CHAIRMAN. Each time when you visited Mr. Stevens you talked with him in the interest of his support of Senator Stephenson, did you not?

MR. McMAHON. That was always the primary subject of conversation.

THE CHAIRMAN. That was your purpose in going there?

MR. McMAHON. Yes.

THE CHAIRMAN. He hesitated for a week or two, did he not?

MR. McMAHON. I do not believe he hesitated very long as to what stand he would take.

THE CHAIRMAN. Well, did he?

MR. McMAHON. I should say not. I should say——

THE CHAIRMAN. Is it not true——

MR. LITTLEFIELD. You should say what?

THE CHAIRMAN. Just one moment. Answer this question——

MR. LITTLEFIELD. I think this witness is entitled to finish his answer.

THE CHAIRMAN. He did finish his answer.

MR. LITTLEFIELD. I beg the chairman's pardon, but I do not think he did. I object. I think the witness ought to be allowed to finish his answer.

THE CHAIRMAN. When the committee is asking a question, it will control matters and protect the witness. This is the committee's witness.

MR. LITTLEFIELD. True; but we are interested in what the witness says, as well as the committee.

THE CHAIRMAN. That is true, and you will have all the time you desire for reexamination or cross-examination. But the members of the committee are not to be taken to task for their manner of examining a witness.

Mr. LITTLEFIELD. No; but I want to get on the record the fact that I desire that these witnesses shall have an opportunity to complete their answers to questions, by whomever they may be asked—by the committee or by myself. I wish to have that right on the record.

The CHAIRMAN. That is in the record.

Mr. LITTLEFIELD. I want to have it in the record that I ask that the witness be allowed to finish his answer. I submit that the witness had not finished the answer to the question put by the chairman.

The CHAIRMAN. The record will contain that statement, and the witness will now proceed to answer my question. The reporter will read the last few questions and answers.

(The reporter read as follows:)

The CHAIRMAN. He hesitated for a week or two, did he not?

Mr. McMAHON. I do not believe he hesitated very long as to what stand he would take.

The CHAIRMAN. Well, did he?

Mr. McMAHON. I should say not. I should say—

The CHAIRMAN. You say you should say not. That is an answer to my question. I will now ask you another question. Was it not after the 13th of July, 1908, the occasion of your second visit, that Mr. Stevens for the first time told you that he would make an arrangement to support Senator Stephenson?

Mr. McMAHON. I think that is correct.

The CHAIRMAN. These dates are evidence of it, are they not?

Mr. McMAHON. I would not want to be sure about the dates; but if you have them in the account there they must be right.

The CHAIRMAN. Mr. Stevens had under advisement from July 6 to July 13 the question of whether or not he would care to support Senator Stephenson, according to your statement. That is correct; is it not?

Mr. McMAHON. At least, we did not know until that time that he was going to support Senator Stephenson.

The CHAIRMAN. The record shows that on August 5 the first payment was made to Mr. Stevens by the campaign committee. So that you were not there, were you, after the committee had commenced to pay him money?

Mr. McMAHON. I had not been to Lancaster.

The CHAIRMAN. You were not at Mr. Stevens's bank after they paid the money?

Mr. McMAHON. I am of the opinion that I was there three times during the summer. It may be that the third time I was there was after Mr. Stevens had taken up the work. I do not remember now about that. I had seen him, I am sure; because I was down in another part of the State, and I ran across him on a train.

The CHAIRMAN. What was the \$300 paid to you for on September 5?

Mr. McMAHON. That was my salary.

The CHAIRMAN. So that that was entirely distinct from the expense account?

Mr. McMAHON. Yes.

The CHAIRMAN. Lancaster is where Mr. Stevens has his bank?

Mr. McMAHON. Yes.

The CHAIRMAN. After Mr. Stevens had given you to understand that he would support Senator Stephenson, did you report that fact to Mr. Edmonds or to Mr. Sacket?

Mr. McMAHON. I imagine I reported it to Mr. Edmonds.

The CHAIRMAN. What did you report to Mr. Edmonds?

Mr. McMAHON. I reported to him that after going into the matter of Mr. Stephenson's candidacy, I thought I had convinced him that as a "half-breed" he should support Senator Stephenson rather than the other candidate.

The CHAIRMAN. What did Mr. Edmonds say to you? Did he tell you he had heard from Mr. Stevens?

Mr. McMAHON. No; I do not remember that he did.

The CHAIRMAN. He had not heard from Mr. Stevens at that time, had he?

Mr. McMAHON. No, sir.

The CHAIRMAN. That is your understanding?

Mr. McMAHON. Yes. Mr. Edmonds had not heard from him at that time.

The CHAIRMAN. Can you fix the date when you made that report to Mr. Edmonds?

Mr. McMAHON. No, sir. I am simply telling you what I remember I did when I came back. I am doing that because it was a customary thing for me to do.

The CHAIRMAN. Did you go to headquarters to see Mr. Edmonds or Mr. Sackett on other occasions than those upon which you drew the \$50 each week?

Mr. McMAHON. I was in the headquarters all the time when I was not out in the State.

The CHAIRMAN. What work did you do in the headquarters?

Mr. McMAHON. Anything that was to be done there, checking up lists or writing circular letters—

The CHAIRMAN. General office work?

Mr. McMAHON. General office work.

The CHAIRMAN. Did you ever talk to Mr. Stevens after he commenced working for Senator Stephenson?

Mr. McMAHON. Yes; I remember to have seen him on a train down in that section of the State. I just ran across him on a train when he was doing his work. I had been down in another section of the State.

The CHAIRMAN. You did not go to meet him by special appointment?

Mr. McMAHON. Not that I remember. I may have been there three times.

The CHAIRMAN. Was any report made to Mr. Stevens as to the progress that was made toward securing him the State deposit?

Mr. McMAHON. When I went there the second time I told him I had mentioned the matter to Mr. Edmonds.

The CHAIRMAN. Did you tell him what the prospect was for securing it?

Mr. McMAHON. I told him that with the friends that Mr. Edmonds had, and the friends of the people who were interested in Mr. Stephenson's campaign, they ought to be able to get it for him.

The CHAIRMAN. Did he ever get it?

Mr. McMAHON. I do not know.

(Whereupon, at 12 o'clock and 30 minutes p. m., the committee took a recess until 2 o'clock p. m.)

AFTER RECESS.

At the expiration of the recess, the subcommittee reassembled.

TESTIMONY OF EDWARD M. McMAHON—Continued.

Senator POMERENE. Mr. McMahon, you seem to have had some familiarity with the Wisconsin depository law. Did you?

Mr. McMAHON. I should not say I had with the law.

Senator POMERENE. With the fact that the State selected depositories for the public funds?

Mr. McMAHON. Yes, sir.

Senator POMERENE. When did you get your knowledge of that law, or of the fact?

Mr. McMAHON. I can not remember when I first got it. I simply had it. Where I got it from was probably just hearing, here and there, that such a bank had been made a State depository.

Senator POMERENE. You had never been in the banking business?

Mr. McMAHON. Yes; I had been with a trust company for one year.

Senator POMERENE. While this law was in force?

Mr. McMAHON. I had never known that the law had been changed since that time.

Senator POMERENE. Had you ever had any discussion with Mr. Edmonds, Mr. Puelicher, or Mr. Sacket about this law?

Mr. McMAHON. No, sir.

Senator POMERENE. Before you started out on your tour?

Mr. McMAHON. No, sir.

Senator POMERENE. Mr. Stevens was a banker of large experience; was he not?

Mr. McMAHON. Mr. Stevens was a comparatively young man himself. His father had been in the banking business.

Senator POMERENE. What are his initials—L. H. Stevens?

Mr. McMAHON. I believe so.

Senator POMERENE. L. H. Stevens had been in the banking business for some time?

Mr. McMAHON. I do not think he had actually run a bank himself very long.

Senator POMERENE. Presumably he had some knowledge of the fact that there was a Wisconsin State depository law?

Mr. McMAHON. Oh, to be sure; I think he understood that. He must have.

Senator POMERENE. You do not mean to tell us that you gave him new light on the subject by suggesting that his bank could be a depository?

Mr. McMAHON. Why, no; I do not think so. That is, it may not have occurred to him before. In fact, from the way he acted, the idea did not seem to have occurred to him to get his own bank made one.

Senator POMERENE. He did not say anything to that effect, did he?

Mr. McMAHON. No.

Senator POMERENE. He took kindly to it after you suggested it?

Mr. McMAHON. Yes, sir.

Senator POMERENE. How soon after this campaign did you learn that that bank had been selected as a depository?

Mr. McMAHON. I did not know it until I happened to see it in the testimony that the committee forwarded to the United States Senate, with their report.

Senator POMERENE. Mr. Edmonds did say that he would take up the matter with the authorities at once; did he?

Mr. McMAHON. Yes, sir.

Senator POMERENE. And he did take it up; did he?

Mr. McMAHON. I think so; yes, sir.

Senator POMERENE. And he reported progress to you from time to time?

Mr. McMAHON. I think he mentioned it at least once during the campaign.

Senator POMERENE. When was that?

Mr. McMAHON. During the progress of the campaign; I can not state exactly when. It was during the primary.

Senator POMERENE. Before you made one of your visits to Lancaster?

Mr. McMAHON. I had made one visit to Lancaster, you see, at the time this matter was first mentioned.

Senator POMERENE. Yes; that was the first visit?

Mr. McMAHON. Yes.

Senator POMERENE. What about afterwards?

Mr. McMAHON. I do not think there was anything done about that. I do not think Mr. Edmonds actually did anything about it, so far as I know, until about the middle of the campaign, when he mentioned it to me.

Senator POMERENE. About the middle of the campaign?

Mr. McMAHON. Yes.

Senator POMERENE. Then he mentioned it to you of his own accord?

Mr. McMAHON. I do not know whether something may have come up in correspondence with Mr. Stevens. Yes; I remember now that it did.

Senator POMERENE. What was it?

Mr. McMAHON. Mr. Stevens, during the campaign, asked, through correspondence, what progress Mr. Edmonds was making along the line of securing the State depository.

Senator POMERENE. That is, in a letter to you?

Mr. McMAHON. No; to the headquarters.

Senator POMERENE. He asked the headquarters what progress they were making?

Mr. McMAHON. Yes, sir.

Senator POMERENE. Was that before or after Mr. Stevens had agreed to take up the Stephenson interests?

Mr. McMAHON. After.

Senator POMERENE. How long after?

Mr. McMAHON. Oh, probably a couple of weeks after.

Senator POMERENE. After you had learned from Mr. Edmonds that he had taken up the matter, and after this letter was received from Mr. Stevens making inquiry about it, what was done to advise Stevens as to what had been done?

Mr. McMAHON. I think Mr. Edmonds at that time took up the matter, and then advised him he was doing what he could.

Senator POMERENE. That is, Edmonds advised him?

Mr. McMAHON. Yes.

Senator POMERENE. Did you advise him?

Mr. McMAHON. I do not remember to have seen him after that. I may possibly have written him a letter, so far as I know now; so far as I remember now.

Senator POMERENE. Do you remember now whether you wrote the letter?

Mr. McMAHON. I do not remember who wrote the letter; but I remember that the matter was discussed, and that the understanding was that Mr. Stevens was to be informed that Mr. Edmonds was doing all that he could do to help bring it about. I want to state the reason for that: That is, that Mr. Stevens was not able to be as active as the headquarters had hoped he would be, through the fact that currency was short, and he had to stay in the bank instead of getting out over the territory; and that was the chief thing Mr. Stevens was hammering on and taking up with Mr. Edmonds.

Senator POMERENE. Oh. He wanted the bank to be made a depository so that he would have more ready currency?

Mr. McMAHON. Yes.

Senator POMERENE. And the committee was anxious to aid him along that line, so that he could give more attention to the campaign?

Mr. McMAHON. I would not put it just in that way; but Mr. Edmonds wanted to carry out the promise that was made to him, and he wanted Mr. Edmonds to carry out the promise that was made to Mr. Stevens—of assisting him in getting the State depository. Mr. Stevens, not understanding, perhaps—in fact, I know this is so—that it would take some time before the depository could be granted to him, kept on during the campaign hammering on the matter of securing the depository.

Senator POMERENE. Who did?

Mr. McMAHON. Mr. Stevens, by writing this letter, and, in fact, more than one letter, asking them what they were doing about securing the depository for him—what Mr. Edmonds was doing; and he complained that he had to stay around the bank and could not be out as much as he had promised to, according to the terms and conditions on which he went to work for Mr. Stephenson originally.

Senator POMERENE. How much money did he want from the State?

Mr. McMAHON. I do not know that that was mentioned, because —

Senator POMERENE. Was no sum named?

Mr. McMAHON (continuing). Because, as he understood, the fact that a bank becomes a State depository does not necessarily mean that they will guarantee that a certain amount of money will be kept on deposit.

Senator POMERENE. Oh, no, no, no; but there is ordinarily some understanding as to the amount they first receive.

Mr. McMAHON. That matter, in regard to the amount, was never mentioned.

Senator POMERENE. Then the fact of the matter is that during this campaign the committee was doing all it could to secure the selection of this bank as a depository, and Stevens was doing all he could to secure at the same time the selection of Senator Stephenson as the candidate of his party?

Mr. McMAHON. What do you mean by the committee doing all it could?

Senator POMERENE. I mean just exactly what I say—the committee at headquarters.

Mr. McMAHON. I do not know that that matter was ever discussed.

Senator POMERENE. I will say Mr. Edmonds, then.

Mr. McMAHON. Mr. Edmonds; yes. I have not answered the last question that you asked, but I should not say “doing all that he could.”

Senator POMERENE. He was doing a good deal?

Mr. McMAHON. I should not say “a good deal,” either.

Senator POMERENE. With whom did Mr. Edmonds take up this subject?

Mr. LITTLEFIELD. So far as you know.

Senator POMERENE. Yes.

Mr. LITTLEFIELD. That is, if you have personal knowledge. That is what you want; is it not, Senator?

Senator POMERENE. Yes; or if you have any knowledge through Mr. Edmonds.

Mr. McMAHON. I do not know for sure whom he took it up with.

Senator POMERENE. Why do you say “for sure”?

Mr. McMAHON. I do not remember the correspondence in the matter.

Senator POMERENE. What is your impression about it, or your recollection, if you have any?

Mr. McMAHON. My recollection is that he took it up.

Senator POMERENE. With whom?

Mr. McMAHON. With the secretary of state.

Senator POMERENE. Who was the secretary of state?

Mr. McMAHON. Mr. Frear.

Senator POMERENE. Give that name again.

Mr. McMAHON. Mr. James Frear.

Senator POMERENE. With whom else, if anyone?

Mr. McMAHON. That is the only person I remember, or have a recollection of.

Senator POMERENE. Was that by correspondence?

Mr. McMAHON. I think that was by telephone.

Senator POMERENE. You heard him telephone him, did you?

Mr. McMAHON. Yes; I remember his having telephoned Mr. Frear about it.

Senator POMERENE. From where?

Mr. McMAHON. From the headquarters.

Senator POMERENE. Did you hear what Mr. Edmonds said?

Mr. McMAHON. Why, just the general fact that he wished that he would see if it was possible to have this bank made a State depository.

Senator POMERENE. What else was said?

Mr. McMAHON. I do not remember anything else. I just remember the incident.

Senator POMERENE. Did he give any reason why he wanted the secretary of state to look after the selection of this bank as a depository?

Mr. McMAHON. No.

Senator POMERENE. Did he say that it would aid Senator Stephenson?

Mr. McMAHON. I do not remember any of the details. I simply remember having heard him telephone Mr. Frear.

Senator POMERENE. Was Mr. Frear one of the friends of Senator Stephenson?

Mr. McMAHON. I should not say so.

Mr. LITTLEFIELD. Should you not say the contrary?

Mr. McMAHON. In fact, I understood he was opposed to Mr. Stephenson's nomination.

Senator POMERENE. What reason did Mr. Edmonds give to the secretary of state on the subject?

Mr. McMAHON. I do not remember the reasons now. I do not remember anything but simply having heard him telephone.

Senator POMERENE. Do you remember this—that, in fact, some reason was given?

Mr. McMAHON. I could not even say "yes" or "no" to that.

Senator POMERENE. How long did that conversation take, if you remember?

Mr. McMAHON. Oh, probably four or five minutes.

Senator POMERENE. It did not take four or five minutes to make a simple request of this kind, did it?

Mr. McMAHON. No; I do not know whether he just made a request, or whether he gave him reasons.

Senator POMERENE. The matter was talked over generally, was it not?

Mr. McMAHON. By Mr. Edmonds and Mr. Frear?

Senator POMERENE. Yes.

Mr. McMAHON. It must have been; yes.

Senator POMERENE. How frequently did you hear Mr. Edmonds talk with Mr. Frear on this subject, or with anyone else on this subject, by telephone or otherwise?

Mr. McMAHON. I remember only one incident of telephoning, but I have a recollection—a faint recollection—of some correspondence regarding the matter.

Senator POMERENE. That is, you saw this correspondence?

Mr. McMAHON. Yes, sir.

Senator POMERENE. Did you see any letters from Mr. Frear?

Mr. McMAHON. Yes, sir; I think there was some correspondence with Mr. Frear in there.

Senator POMERENE. Do you know where those letters are?

Mr. McMAHON. No, sir.

Senator POMERENE. Have you seen them since the headquarters was closed?

Mr. McMAHON. No, sir.

Senator POMERENE. Have you learned anything about this correspondence?

Mr. McMAHON. Correspondence in relation to this bank?

Senator POMERENE. Yes.

Mr. McMAHON. No, sir.

Senator POMERENE. What became of the correspondence with headquarters?

Mr. McMAHON. I do not know.

Senator POMERENE. You have heard, have you not, that a good deal of it was destroyed?

Mr. McMAHON. I do not know that I have heard that.

Senator POMERENE. Were you present at the headquarters when this correspondence was disposed of?

Mr. McMAHON. Yes, sir.

Senator POMERENE. What was done with it?

Mr. McMAHON. It was boxed up; classified and boxed up.

Senator POMERENE. It was classified and boxed up in what kind of a box?

Mr. McMAHON. Quite a large box.

Senator POMERENE. How large? Indicate.

Mr. McMAHON. Oh, higher than this desk and about half as long.

Senator POMERENE. That would be a box, then, about 3 feet high and about 6 feet long?

Mr. McMAHON. Not quite 6 feet; probably $4\frac{1}{2}$ feet or 5 feet.

Senator POMERENE. And about how wide?

Mr. McMAHON. About as wide as that [indicating].

Senator POMERENE. Who was boxing this up?

Mr. McMAHON. Some of the office boys; I had something to do with that myself.

Senator POMERENE. You had something to do with it?

Mr. McMAHON. Yes.

Senator POMERENE. What office boys were those?

Mr. McMAHON. There were some young fellows around there, employed during the campaign.

Senator POMERENE. Have you the names of any of them?

Mr. McMAHON. No.

Senator POMERENE. Was Mr. Edmonds there during the time this correspondence was being boxed up?

Mr. McMAHON. Part of the time. He was in and out.

Senator POMERENE. He saw the boys and yourself, at that time, at work boxing these things up?

Mr. McMAHON. I think so; yes, sir.

Senator POMERENE. Mr. Sacket was there?

Mr. McMAHON. Yes; they were in and out there. The campaign had closed.

Senator POMERENE. And Mr. Sacket saw this correspondence being boxed up?

Mr. McMAHON. I think so. He must have.

Senator POMERENE. You say that it was classified. Who classified it?

Mr. McMAHON. Mr. Lambeck and I were asked to do it.

Senator POMERENE. What is Mr. Lambeck's first name?

Mr. McMAHON. Arthur; Arthur Lambeck.

Senator POMERENE. Is Mr. Lambeck here?

Mr. McMAHON. I do not know.

The CHAIRMAN. Where did he live?

Mr. McMAHON. He lived in Milwaukee at that time.

Senator POMERENE. Where is he now? Do you know?

Mr. McMAHON. I do not know.

Senator POMERENE. Does he still live in Milwaukee?

Mr. McMAHON. I do not know where he is now.

Senator POMERENE. How old a man was he?

Mr. McMAHON. About my age.

Senator POMERENE. What was his business?

Mr. McMAHON. He had been assistant private secretary to Senator Stephenson.

Senator POMERENE. Assistant private secretary?

Mr. McMAHON. As I understood it; yes.

Senator POMERENE. How long were you engaged in the classifying of this correspondence?

Mr. McMAHON. The greater part of an office day.

Senator POMERENE. Just tell us what you did by way of classifying.

Mr. McMAHON. You see, when the campaign closed there was a whole raft of material, poll lists and names and correspondence and everything else, and a lot of stuff that was simply waste-basket stuff, and a lot of stuff that might be of some future importance in a campaign.

Senator POMERENE. What rule did you have for classifying this matter, between what you placed in the box and what you put into the waste basket?

Mr. McMAHON. Certain matters that Mr. Edmonds did not care to have go in with the general record; that he regarded more as personal correspondence between himself and certain gentlemen throughout the State.

Senator POMERENE. And what was done with what you call the personal correspondence?

Mr. McMAHON. Mr. Edmonds retained that.

Senator POMERENE. He retained that?

Mr. McMAHON. At least they were not to go into the regular box.

Senator POMERENE. They were not to go into that box?

Mr. McMAHON. No, sir.

Senator POMERENE. Tell us the nature of that correspondence and other documents and records which you classified and put into this large box.

Mr. McMAHON. That is all the classification there was. That is what I meant by classification, certain material that Mr. Edmonds did not think belonged in the box, that was supposed to be the regular office box, because he really considered that matter more as his own. For instance, Mr. Edmonds had a lot of private interests of his own, personal business, and correspondence would come in there to the headquarters, that he used to receive and dispose of there, in carrying on his own private personal business.

Senator POMERENE. Was that in this box?

Mr. McMAHON. No; that was not put in there. That is what I meant by classification, separating correspondence and material that belonged to Mr. Edmonds from the general office records that they wished me to preserve.

Senator POMERENE. The correspondence which you put in this box was that which pertained to the primary election, was it?

Mr. McMAHON. Yes, sir.

Senator POMERENE. You kept a letter book in the office, did you?

Mr. McMAHON. We kept carbons.

Senator POMERENE. Separate carbon sheets for each letter?

Mr. McMAHON. Yes.

Senator POMERENE. It was not in book form.

Mr. McMAHON. No, sir.

Senator POMERENE. In this correspondence were the carbon sheets attached to the letters to which they were supposed to reply?

Mr. McMAHON. Yes, sir.

Senator POMERENE. And you put that all in the box?

Mr. McMAHON. Yes, sir.

Senator POMERENE. What was done with that box?

Mr. McMAHON. I do not know. The last time I saw it it was there at headquarters, in the vault.

Senator POMERENE. In the vault at headquarters?

Mr. McMAHON. Yes.

Senator POMERENE. What building?

Mr. McMAHON. The Wells Building.

Senator POMERENE. On what floor?

Mr. McMAHON. I think we were on the top floor. It was the same floor on which the regular headquarters were conducted. I do not now remember the number of the floor, but I think it was the top floor, or the top office floor.

Senator POMERENE. There was a separate vault there in which this box was placed?

Mr. McMAHON. Yes. We had used that vault throughout the campaign.

Senator POMERENE. When was it that you last saw this box?

Mr. McMAHON. The last day that I was connected with the campaign.

Senator POMERENE. When was that?

Mr. McMAHON. The date of the last check that I received; September 4 or September 5, or whenever it was.

The CHAIRMAN. September 5.

Mr. McMAHON. September 5, I believe it was.

Senator POMERENE. You mean the \$300 check, do you?

Mr. McMAHON. Yes; the salary that I received throughout the campaign.

Senator POMERENE. Our memorandum shows that that was on September 5, \$300.

Mr. McMAHON. Yes. I think that was the last day that I was around there at all.

Senator POMERENE. When you started to pack this correspondence into the box, by whose direction did you do that?

Mr. McMAHON. By the direction of Mr. Edmonds.

Senator POMERENE. What did he say to you?

Mr. McMAHON. He told me to separate certain material from the rest.

Senator POMERENE. You say "certain material." Just tell us, as nearly as you can, in detail, what he said. Give the language, as nearly as you can.

Mr. McMAHON. That is quite hard to do, Senator. The best I remember was that this was his own private correspondence; correspondence that he had had relative to his own business, and private correspondence of any kind that he conducted with his friends throughout the State, about business or other matters. I do not know which. There was correspondence that Mr. Edmonds had with certain men, and he said, "take out the correspondence with these certain men."

Senator POMERENE. What men did he name?

Mr. McMAHON. I do not remember who they were, now.

Senator POMERENE. Do you remember any of them?

Mr. McMAHON. No; I do not believe I can remember a single one.

Senator POMERENE. Were they men who were connected with the campaign?

Mr. McMAHON. I do not remember whether they were connected with the campaign or not; whether they were doing any work out over the State for Mr. Stephenson or not.

Senator POMERENE. You do not remember as to any of them, do you?

Mr. McMAHON. Not one.

Senator POMERENE. Tell us what else you said.

Mr. McMAHON. That was all; to remove the correspondence regarding certain people. He told me that because I had had charge of the correspondence the last few weeks of the campaign—to remove that, and to box up the rest of the stuff.

Senator POMERENE. Was the rest of this stuff in letter files?

Mr. McMAHON. They were mostly in manila sheets, with an index.

Senator POMERENE. That is, there was a large folder?

Mr. McMAHON. Yes.

Senator POMERENE. With an index; and this correspondence was placed in that index alphabetically?

Mr. McMAHON. During the campaign.

Senator POMERENE. It was those folders and their contents that you placed in this box?

Mr. McMAHON. Yes; and poll lists, and things like that.

Senator POMERENE. Was this box nailed up afterwards?

Mr. McMAHON. I do not remember now whether the box was nailed up the last time I was in the headquarters or not.

Senator POMERENE. Who brought this box in?

Mr. McMAHON. I do not remember who brought it in now; one of the janitors or the boys there.

Senator POMERENE. You put those poll lists and papers into the box in an orderly way, did you?

Mr. McMAHON. Why, yes.

Senator POMERENE. That is, they were not thrown in topsy-turvy?

Mr. McMAHON. No.

Senator POMERENE. Have you heard anything about that box since?

Mr. McMAHON. You mean as to its whereabouts?

Senator POMERENE. Yes.

Mr. McMAHON. No, sir.

Senator POMERENE. Have you heard anything said about the box?

Mr. McMAHON. It was mentioned in the legislative committee.

Senator POMERENE. By whom?

Mr. McMAHON. By the committee.

Senator POMERENE. By what members of the committee?

Mr. McMAHON. The chairman, I suppose. I was asked about it.

Senator POMERENE. Have you made any investigation since to find out where this box was?

Mr. McMAHON. No, sir.

Senator POMERENE. You have not heard what became of its contents?

Mr. McMAHON. No; since then I have not discussed this whole matter with anyone who would know.

Senator POMERENE. You have not heard that the box and its contents were destroyed, have you?

Mr. McMAHON. I do not remember to have heard that.

Senator POMERENE. Mr. Edmonds had control of this room at the time, or of the headquarters, did he?

Mr. McMAHON. The Stephenson campaign headquarters was still located there at that time.

Senator POMERENE. Was Mr. Sacket there on this 5th day of September when you were packing up this correspondence?

Mr. McMAHON. He was in and out of there, as I remember.

Senator POMERENE. Who else was there?

Mr. MAHON. Mr. Lambeck and myself.

Senator POMERENE. That is Arthur Lambeck?

Mr. McMAHON. Yes, sir.

Senator POMERENE. And yourself?

Mr. McMAHON. Yes.

Senator POMERENE. And Mr. Sacket?

Mr. McMAHON. Yes, sir.

Senator POMERENE. And Mr. Edmonds?

Mr. McMAHON. Yes, sir.

Senator POMERENE. And, you say, the office boys?

Mr. McMAHON. The boys that were working there, yes.

Senator POMERENE. How many of them?

Mr. McMAHON. Probably one or two.

Senator POMERENE. Do you remember their names?

Mr. McMAHON. No, sir.

Senator POMERENE. Do you remember their first names?

Mr. McMAHON. No, sir; I do not remember either of their names.

Senator POMERENE. Have you seen those boys since?

Mr. McMAHON. No, sir.

Senator POMERENE. You devoted practically two months of your time to traveling about the State?

Mr. McMAHON. No, sir.

Senator POMERENE. How much of your time did you devote to that?

Mr. McMAHON. A little over a month traveling throughout the State, and a month at the headquarters.

Senator POMERENE. Was this traveling done continuously, day after day, or periodically as there might be some demand for it.

Mr. McMAHON. The first month I was out a larger part of the time than I was in the headquarters.

Senator POMERENE. As you went around to see people, did you make any arrangement with them about retaining their services to assist in the campaign?

Mr. McMAHON. Yes, sir.

Senator POMERENE. With whom did you make such arrangements?

Mr. McMAHON. By "making arrangements," you mean making financial arrangements?

Senator POMERENE. Yes, sir.

Mr. McMAHON. That depends upon what you mean by "arrangement."

Senator POMERENE. Suppose you tell what you said, and then we will decide what the arrangement was.

Mr. McMAHON. I took up with them the idea of supporting Mr. Stephenson, and also taking care of his interests in their particular localities. Then I arranged, if they were to be connected with the campaign, the conditions, the amount of expense that would be incident to their looking after his interests in that vicinity; and the custom was to have them come into the headquarters.

Senator POMERENE. You say you would arrange with them to look after the interests of Senator Stephenson. Did you go into details with these men?

Mr. McMAHON. Yes.

Senator POMERENE. Just what did you do?

Mr. McMAHON. We figured out what it would cost to get some nomination papers circulated, and to advertise Mr. Stephenson throughout that vicinity, circulate and put up pictures and literature, etc., and to get the vote out on primary day.

Senator POMERENE. Did you arrange for teams?

Mr. McMAHON. Yes.

Senator POMERENE. You arranged for men to haul in the voters?

Mr. McMAHON. Yes, sir.

Senator POMERENE. Anything else?

Mr. McMAHON. I did not arrange that. He was to arrange that, you understand.

Senator POMERENE. Who was to arrange that?

Mr. McMAHON. The man that we picked in this vicinity. He was to arrange that.

Senator POMERENE. Oh! Did you arrange for the personal compensation of these several men?

Mr. McMAHON. I remember some cases where I arranged that.

Senator POMERENE. Tell us some men with whom you arranged for their own compensation.

Mr. McMAHON. I arranged to have them come to the headquarters.

Senator POMERENE. Did you arrange the amount of their compensation?

Mr. McMAHON. I talked the matter over with them, and got their idea of it, and then I would report it back to Mr. Edmonds.

Senator POMERENE. Just tell us who those men were, and what were the amounts involved.

Mr. McMAHON. Mr. Stevens.

Senator POMERENE. How much was he to receive?

Mr. McMAHON. I do not remember now.

Senator POMERENE. Was he to receive some money?

Mr. McMAHON. He was to receive compensation for his time.

Senator POMERENE. That is, you mean by compensation, money?

Mr. McMAHON. Yes, sir.

Senator POMERENE. Then you were to do what you could to secure that depository, were you?

Mr. McMAHON. As I stated this morning, Senator, and I repeat again, that was a mere incident.

Senator POMERENE. Oh, well, I understand, but you did say that you would do that?

Mr. McMAHON. I said that I would ask Mr. Edmonds to look into that.

Senator POMERENE. Have you any memoranda from which you can tell us the amount of compensation that Mr. Stevens was to receive?

Mr. McMAHON. No, sir.

Senator POMERENE. With whom else did you make such an arrangement?

Mr. McMAHON. With Mr. Larson, of Port Washington.

Senator POMERENE. What was he to receive?

Mr. McMAHON. I do not remember the exact amounts; but the average one of those people was to receive a hundred dollars a month, I may say, in a general way.

Senator POMERENE. That was the average?

Mr. McMAHON. Yes.

Senator POMERENE. With how many men did you make such an arrangement as that?

Mr. McMAHON. Mr. Stevens, Mr. Larson at Port Washington, Mr. Voght at Sheboygan.

Senator POMERENE. What was his first name?

Mr. McMAHON. Ed, I believe.

Senator POMERENE. At Sheboygan?

Mr. McMAHON. Yes; Mr. Wiseman, of Manitowoc County.

Senator POMERENE. What is his first name?

Mr. McMAHON. Arthur; Arthur J. Wiseman.

Senator POMERENE. Give the first names as you go along, as nearly as you can. Mr. Wiseman was of Manitowoc?

Mr. McMAHON. Manitowoc County. Then, Mr. Norman James. I made an arrangement with him to look after this same work of getting out the votes and crystallizing sentiment in Richland County.

Senator POMERENE. Do you remember the name of anyone else?

Mr. McMAHON. Those are the people with whom I now remember having made arrangements to have them give their time to the matter of looking after the interests of Senator Stephenson in those counties.

Senator POMERENE. You do not mean to say, however, that these were all of the men with whom you made a similar arrangement?

Mr. McMAHON. No. Another one occurs to me now; Mr. Larson, of Dodgeville, Iowa County, Wis.

Senator POMERENE. What is his first name?

Mr. McMAHON. I do not remember.

Mr. LITTLEFIELD. That is another Larson?

Mr. McMAHON. Yes, sir.

Senator POMERENE. There was a considerable number of others whose names you do not now recall?

Mr. McMAHON. I should not say a considerable number. I simply try to think of the territory that I was in, and —

Senator POMERENE. How many others do you think there were?

Mr. McMAHON. There could not have been any more than two or three more, if that many.

Senator POMERENE. In addition to those with whom you made tentative arrangements as to their compensation, I suppose there were others that you had go into the office to interview Mr. Edmonds?

Mr. McMAHON. I do not recall any. You see, I only covered a certain part of the State. I did not cover the whole State.

Senator POMERENE. What part of the State did you cover?

Mr. McMAHON. I remember Mr. Dart now, of Montello, Marquette County.

Senator POMERENE. What is his first name?

Mr. McMAHON. I do not remember.

Senator POMERENE. Was it George Dart?

Mr. McMAHON. I believe that was his first name.

Senator POMERENE. G. W. Dart, was it not, of Montello?

Mr. McMAHON. Yes, sir.

Senator POMERENE. It is the same Mr. Dart who was in attendance here on Saturday, is it not?

Mr. McMAHON. I do not know whether he was here Saturday or not. He was sworn in with me, and he was here Monday.

Senator POMERENE. These men were to receive, as I understand you, about \$100 a month?

Mr. McMAHON. That would be the average for their time.

Senator POMERENE. And in addition to that you agreed to furnish them with such money as they might need to properly organize their county and look after the getting out of the vote at the primaries for Senator Stephenson?

Mr. McMAHON. Yes, sir.

Senator POMERENE. Including horse hire, carriage hire, auto hire——

Mr. McMAHON. Not auto hire. We figured on \$5 a team. That was all the carrying idea we figured.

The CHAIRMAN. The witness is with you, Mr. Littlefield.

Mr. LITTLEFIELD. Do I understand that all these men you have named were to receive compensation, or that your statement is simply general, that wherever there was compensation it averaged about \$100 a month? Which do you mean?

Mr. McMAHON. All these men I mentioned were to receive compensation for their time in taking care of the interests of Senator Stephenson in their respective communities.

Mr. LITTLEFIELD. Was Mr. James to receive compensation for his time?

Mr. McMAHON. No. That is an exception.

Mr. LITTLEFIELD. That is what I thought. You think all the others were?

Mr. McMAHON. As I remember, all those were to receive compensation.

Mr. LITTLEFIELD. As a matter of fact, were not all the arrangements that were made with these people closed up between them and Mr. Edmonds before any definite arrangement was entered into?

Mr. McMAHON. Yes.

Mr. LITTLEFIELD. I do not understand that you made with any of these men any definite contract?

Senator POMERENE. I referred to it in my question as a tentative arrangement, Mr. Littlefield.

Mr. LITTLEFIELD. I know, Senator. I wanted to have that clear, however. I did not want any doubt about it.

Senator POMERENE. That is all right.

Mr. LITTLEFIELD. Then, so far as compensation is concerned, if you discussed compensation with them it was simply in a tentative way?

Mr. McMAHON. Yes, sir.

Mr. LITTLEFIELD. And whether or not they received compensation and the amount of the compensation they received depended upon the arrangement they were afterwards able to make with Mr. Edmonds. Is that right?

Mr. McMAHON. Yes, sir.

Mr. LITTLEFIELD. Have you any personal knowledge of the exact compensation that any of these men did receive? I do not know whether you can remember it or not.

Mr. McMAHON. I can not remember the exact amount that any man received.

Mr. LITTLEFIELD. You are not able to state the definite sum that any of these men received?

Mr. McMAHON. Not in any case that occurs to me just now.

Mr. LITTLEFIELD. Before I forget it, I want to recur to your direct examination and call your attention to this part of it—this refers to Mr. Stevens:

The CHAIRMAN. He hesitated for a week or two, did he not?

Mr. McMAHON. I do not believe he hesitated very long as to what stand he would take.

The CHAIRMAN. Well, did he?

Mr. McMAHON. I should say not. I should say——

The CHAIRMAN. Is it not true?

If you have any desire to complete the answer where you started to say "I should say," you may complete it now and state what you intended to say when you were interrupted.

Mr. McMAHON. I meant to go on and say that when I left Mr. Stevens, the first time I saw him, he was favorably disposed toward Senator Stephenson's campaign for political reasons, based upon political reasons. When I left Mr. Stevens the first time, he was disposed to be in favor of Senator Stephenson.

Senator POMERENE. Let me suggest that you give that conversation as nearly as you can.

Mr. LITTLEFIELD. I was just going to ask him that, Senator. State what occurred that enabled you to state that conclusion.

Senator POMERENE. Give the conversation as nearly as you can, or the substance of it, if you can.

Mr. LITTLEFIELD. You are not expected to state the conversation literally, but state the substance of the conversation which led you to reach that conclusion.

Mr. McMAHON. We went over the past relations between Senator La Follette and Senator Stephenson and the five or ten years of political history of Wisconsin; and I went over that with him with a view of convincing him that, based upon that past history, Senator Stephenson should be his choice as a Half-breed or Progressive; that Senator Stephenson should be his choice in the primaries. Based upon that conversation back and forth—I would suggest something and he would suggest something, when I left I was of the opinion that he thought that Senator Stephenson should be the choice of the Republican Party of Wisconsin for the senatorial nomination.

Senator POMERENE. Did I understand from that answer, that he was not at first disposed to be for Senator Stephenson until you had talked this matter over with him?

Mr. McMAHON. I stated in the testimony this morning that he had no convictions, as was the case with a large number of other people in the State at that time.

Senator POMERENE. His position was merely negative, you mean?

Mr. McMAHON. His position was negative, so far as the detailed choice of the candidate was concerned.

Mr. LITTLEFIELD. Right at that point, while I have it in mind, Mr. Frear, one of the men who has been mentioned here as the secretary of state, was at that time a La Follette man, was he not?

Mr. McMAHON. Yes, sir.

Mr. LITTLEFIELD. And an earnest Half-breed?

Mr. McMAHON. I understood so.

Mr. LITTLEFIELD. And not only was not supporting Senator Stephenson, but was, as you understood, actively engaged the other way?

Mr. McMAHON. I do not know whether he was actively engaged the other way or not.

Mr. LITTLEFIELD. He was not supporting Senator Stephenson, at any rate, was he?

Mr. McMAHON. Not that I knew of.

Mr. LITTLEFIELD. You understood he was not?

Mr. McMAHON. I understood he was not a Stephenson man.

Mr. LITTLEFIELD. Will you be kind enough to state to the committee your attitude with reference to Senator Stephenson at the time you made the arrangement with Mr. Edmonds, was it, or Mr. Sacket? You began with Mr. Sacket, I believe.

Mr. McMAHON. Mr. Puelicher first and then Mr. Sacket.

Mr. LITTLEFIELD. Just explain to the committee, briefly, your own attitude with reference to the senatorial election.

Senator POMERENE. Did I understand you, just now, to say that Mr. Puelicher was the second man you saw?

Mr. McMAHON. No; Mr. Puelicher was the first, and then I saw Mr. Sacket.

Mr. LITTLEFIELD. Mr. Puelicher was the man you had known for some time?

Mr. McMAHON. Yes.

Mr. LITTLEFIELD. As I understand it you were not at that time acquainted with either Mr. Edmonds or Mr. Sacket?

Mr. McMAHON. No.

Mr. LITTLEFIELD. Mr. Puelicher you had known for two years?

Mr. McMAHON. Yes.

Mr. LITTLEFIELD. State briefly your own attitude toward the senatorial election.

Mr. McMAHON. I went to Mr. Puelicher on other business, connected with the university. I went to the bank to see him, and he asked me what I was going to do during the summer. I told him I did not know. He asked me if I had any conviction in the senatorial primary, and I told him that I had not looked into the matter; that I had no conviction in the matter. He told me to look into it, and after I had made my choice of candidate for Senator, to come around and see him again. In fact, he said he would call me up in a couple of days.

I went to work and tried to find out who the man was that should be the candidate of the Half-breeds; and after interviewing several

people in whom I had confidence I concluded that, for the best interests of the half-breed men in the State, Senator Stephenson should be the nominee.

Mr. Puelicher called me up and I went down to the bank and he told me he would like to have me go to work. He asked me what my time was worth. I told him probably about \$75 a month, for a summer job. He said "Go over and see Mr. Sacket." I did so, and went to work in the office at \$75 a month for Mr. Stephenson; and went out through the State after that, and my salary was increased to the amount which made \$300 for two months' work.

Mr. LITTLEFIELD. Yes. Now, Mr. McMahon, all that you had to do was to traverse the State, in the manner that you have described, and make these tentative arrangements; and the moneys that were paid to you were for your expenses thus incurred and your salary of \$300 for the campaign? Am I right about that?

Mr. McMAHON. Some \$200 expense.

Mr. LITTLEFIELD. Whatever the expense was—and there are four items here of \$50 each—you were reimbursed, or advanced money to pay it, which is about the same thing?

Mr. McMAHON. Yes.

Mr. LITTLEFIELD. And you received the \$300 for compensation. Is that your full financial connection with the campaign?

Mr. McMAHON. At the end of the campaign there was a small amount of expense money that I had not used out of the last \$50 advanced. I do not remember now how much it was. It was a small amount. I took it up with Mr. Sacket. It was less than ten or fifteen dollars. Whether I retained that in addition to the \$300 salary, I do not remember for sure.

Mr. LITTLEFIELD. It is a small, trifling matter in any event. So that your whole financial connection with the campaign was the receipt of your expenses and your compensation?

Mr. McMAHON. Yes.

Mr. LITTLEFIELD. I will ask you the formal question, Was there any money expended by you under the guise of your expense account either directly or indirectly, for the purpose of bribing or improperly influencing any electors for the support of Senator Stephenson in the primary campaign?

Mr. McMAHON. Not that I know of.

Mr. LITTLEFIELD. Were any sums expended by any of these gentlemen with whom you made arrangements, so far as you know—

Mr. McMAHON. Not that I know of.

Mr. LITTLEFIELD (continuing). Either directly or indirectly for the purpose of bribing or improperly influencing electors in the interest of Senator Stephenson in that primary campaign?

Mr. McMAHON. I should say no.

Mr. LITTLEFIELD. That is all.

Senator POMERENE. I have just one or two questions that I want to ask you. You were about the office there daily, except for the time that you were out in the State. Did you see any card system on which Mr. Sacket kept his accounts, or an account of his expenses?

Mr. McMAHON. I could not say.

Senator POMERENE. That is, he had a little box there in which there were four or five hundred cards, or more, on which cards he

would enter a memorandum—for instance, John Jones, so much money; Dick Smith, so much money, etc.?

Mr. McMAHON. I do not remember anything about it.

Senator POMERENE. In this large box did you put any small boxes containing cards on which were memoranda of expenses?

Mr. McMAHON. I think there were some cards put in there.

Senator POMERENE. I have called your attention to one box. Do you remember there being more than one box of that kind?

Mr. McMAHON. Boxes of cards?

Senator POMERENE. Yes.

Mr. McMAHON. Mr. Edmonds kept a small file.

Senator POMERENE. What kind of a file was that?

Mr. McMAHON. Just some cards—a box of cards.

Senator POMERENE. Indicate the size of those cards.

Mr. McMAHON. About 3 by 4 inches.

Senator POMERENE. There was a box of those?

Mr. McMAHON. There were quite a few of those cards put in a card case, you might call it—a box.

Senator POMERENE. A wooden box?

Mr. McMAHON. I do not remember the material, but something of that kind. There was some sort of a contrivance for holding them.

Senator POMERENE. Do you know the nature of the entries on those cards, if any?

Mr. McMAHON. I remember some of the entries on the cards.

Senator POMERENE. What, for instance?

Mr. McMAHON. I think the names of certain workers that we had out in the State were recorded on the cards.

Senator POMERENE. What names, for instance?

Mr. McMAHON. I would not want to state positively now any names that were used for that purpose.

Senator POMERENE. That is, names showing, for instance, your assistant managers, if we can term them such in the various counties?

Mr. McMAHON. Yes; that was one item.

Senator POMERENE. Poll workers?

Mr. McMAHON. No, I could not say that, because that was a matter that was taken care of by the representative in the particular community.

Senator POMERENE. Your recollection is that there was then among these cards of Mr. Edmonds's a list of names entered on the cards?

Mr. McMAHON. Yes.

Senator POMERENE. And those names were of the persons that had been retained as assistant managers in the various counties?

Mr. McMAHON. Managers of the various counties.

Senator POMERENE. And the names of those who traveled about the State?

Mr. McMAHON. No. I believe there were only about four of those, so he did not have to keep track of them.

Senator POMERENE. How many of those cards did he have?

Mr. McMAHON. Oh, a couple of hundred, perhaps.

Senator POMERENE. And they were all put in this large box that you speak of?

Mr. McMAHON. Yes; I think they were. I am not positive about that.

Senator POMERENE. How many of those boxes of cards did Mr. Sacket have?

Mr. McMAHON. I have no recollection of Mr. Sacket's.

Senator POMERENE. You remember there was one at least?

Mr. McMAHON. No; I do not even remember that.

Senator POMERENE. Did you not testify just a while ago that there was one?

Mr. McMAHON. Not of Mr. Sacket's.

Senator POMERENE. Or did you have reference to those of Mr. Edmonds?

Mr. McMAHON. Mr. Edmonds's box.

Senator POMERENE. So you do not want us to understand that there was a case of these cards which had been used by Mr. Sacket?

Mr. McMAHON. I do not know anything about Mr. Sacket's cards. You see, I was close to Mr. Edmonds, and I did not have very much to do with Mr. Sacket's part of it.

Senator POMERENE. I think my questions were directed first to Mr. Sacket. I asked you whether you had not seen a box of cards on which he kept his expense account, etc.?

Mr. McMAHON. I have no recollection of Mr. Sacket's.

Mr. LITTLEFIELD. I understood him to say he had not.

Senator POMERENE. There seems to have been a misunderstanding between the witness and myself.

Mr. McMAHON. I have no recollection of Mr. Sacket's having had a card system of that kind.

Senator POMERENE. Have you any recollection of his having had one of any kind?

Mr. McMAHON. I have no recollection of any method that he had of keeping his memoranda.

Senator POMERENE. You know, do you not, that he was issuing orders or receipts or vouchers or checks from time to time, as it was necessary to obtain money for the purposes of the campaign? He did most of that work, did he not?

Mr. McMAHON. I think so; yes.

Senator POMERENE. Then whatever that memorandum was that he would make, whether a receipt or a check or an order, it would be sent to the bank, and a cashier's check or the cash would come back. Is that the fact?

Mr. McMAHON. I have no recollection of that.

Senator POMERENE. Let us understand one another thoroughly. You have said that he would issue these orders or checks for money?

Mr. McMAHON. I did not say that.

Senator POMERENE. In answer to a question I put about orders and receipts? Did you not understand my reference?

Mr. McMAHON. I do not remember having testified to that.

Senator POMERENE. I will ask the reporter to read that question and the answer of the witness.

(The reporter read as follows:)

Senator POMERENE. You know, do you not, that he was issuing orders or receipts or vouchers or checks from time to time, as it was necessary to obtain money for the purposes of the campaign? He did most of that work, did he not?

Mr. McMAHON. I think so; yes.

Senator POMERENE. What have you to say to that?

Mr. McMAHON. Well, yes.

Senator POMERENE. He kept a memorandum, did he not, from time to time as he would issue these orders or receipts?

Mr. McMAHON. I am not sure about that. He must have kept——

Senator POMERENE. Have you any recollection about it?

Mr. McMAHON. I have no recollection about it.

Senator POMERENE. That is all.

Mr. LITTLEFIELD. Were you in his department?

Mr. McMAHON. No; I was with Mr. Edmonds. Mr. Sacket was removed from us.

Mr. LITTLEFIELD. Did you at any time have any occasion to oversee or look over the details of the work that Mr. Sacket was doing?

Mr. McMAHON. No, sir.

Mr. LITTLEFIELD. Did anybody request you to do it at any time?

Mr. McMAHON. No, sir.

Mr. LITTLEFIELD. Did you have any right to investigate and examine it, in order to do the work that you were doing?

Mr. McMAHON. No, sir.

Mr. LITTLEFIELD. And you had no occasion to?

Mr. McMAHON. No, sir.

Mr. LITTLEFIELD. Do I understand your work was altogether in the office with Mr. Edmonds?

Mr. McMAHON. The time I spent in the office I was with Mr. Edmonds, assisting him.

Mr. LITTLEFIELD. That is all.

Senator POMERENE. During the time that you were about the office, where did Mr. Edmonds keep his papers—his memoranda?

Mr. McMAHON. He had a private room, and he had a desk in there, and besides that of course we had the letter files.

Senator POMERENE. Were his papers largely kept in his desk and letter files?

Mr. McMAHON. Yes.

Senator POMERENE. What became of the papers which were on his desk and in his desk, if you know?

Mr. McMAHON. Some of them were retained by him, and some of them were put into this box I spoke of.

Senator POMERENE. What papers of Mr. Sacket's were put in this box?

Mr. McMAHON. I do not remember any of Mr. Sacket's materials being put in there.

Senator POMERENE. Surely I do not confuse those names. You have just said to us that a part of these papers of Mr. Sacket's he retained, and a part of them were put in this box.

Mr. McMAHON. No; Mr. Edmonds is the person I had in mind. I misunderstood your question.

Senator POMERENE. Pin your attention to Mr. Sacket for a moment. What was done with the papers which were in Mr. Sacket's desk?

Mr. McMAHON. I know nothing about Mr. Sacket's desk or records at all. In whatever statements I have made regarding records or card systems, or anything else, I have had in mind Mr. Edmonds. I was entirely associated with Mr. Edmonds. I had nothing to do with Mr. Sacket; and I am in no position to speak about Mr. Sacket's records, memoranda, or anything else. In all statements I have made regarding records, I have had in mind Mr. Edmonds's records.

Senator POMERENE. You understood during my examination of you that I referred to both Mr. Edmonds and Mr. Sacket; did you not?

Mr. McMAHON. You asked me questions about both of those men.

Senator POMERENE. And without any hesitation you referred to papers and memoranda of Mr. Sacket's as well as Mr. Edmonds's.

Mr. McMAHON. You may have asked the general question whether or not Mr. Sacket kept memoranda. I suppose he did. He gave orders and things like that; and if you will allow me to make a statement, I will show you the reason why I answered the question in a wrong way.

Senator POMERENE. I shall be very glad to have you make any statement you desire.

Mr. McMAHON. The only thing I had to do with the financial end of the campaign was to get expense money for myself and to draw my salary at the end of the campaign. When I drew the expense money I was given a slip of some kind, or a check, or something of that kind, by Mr. Sacket. I went over to the bank and got that money. That is the extent of my activity with Mr. Sacket. While I was out in the State I was under the direction of Mr. Edmonds, and when I was in the headquarters I was working with him, having charge of the correspondence. I am very sorry if I have misunderstood you in any statement that I have made.

Senator POMERENE. I do not see how you could misunderstand. I asked you specifically toward the latter end of the examination where the papers and memoranda of Mr. Sacket were, to which you answered specifically that many of those papers were in his desk.

Mr. McMAHON. Were you speaking of Mr. Sacket?

Senator POMERENE. Mr. Sacket; and that some of them were put in letter files.

Mr. McMAHON. I am very sorry to have misunderstood you, Senator.

Senator POMERENE. I do not understand how you could have misunderstood my question.

Mr. McMAHON. I am sorry for having misunderstood it, but I state again—

Mr. LITTLEFIELD. Just one moment, so that we may all be sure that we are quite right. I will ask the reporter to go back and refer to that particular part of the examination. I am not quite clear myself about it.

(The reporter read as follows:)

Senator POMERENE. During the time that you were about the office, where did Mr. Edmonds keep his papers—his memoranda?

Mr. McMAHON. He had a private room, and he had a desk in there, and besides that of course we had the letter files.

Senator POMERENE. Were his papers largely kept in his desk and letter files?

Mr. McMAHON. Yes.

Senator POMERENE. What became of the papers which were on his desk and in his desk, if you know?

Mr. McMAHON. Some of them were retained by him, and some of them were put into this box I spoke of.

Senator POMERENE. What papers of Mr. Sacket's were put in this box?

Mr. McMAHON. I do not remember any of Mr. Sacket's material being put in there.

Senator POMERENE. Surely I do not confuse those names. You have just said to us that a part of these papers of Mr. Sacket's he retained, and a part of them were put in this box.

Mr. McMAHON. No; Mr. Edmonds is the person I had in mind. I misunderstood your question.

Senator POMERENE. Pin your attention to Mr. Sacket for a moment. What was done with the papers which were in Mr. Sacket's desk.

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Senator POMERENE. In that part which the reporter has just read it seems that I was mistaken. I shall not take up any more time in looking further into the record. I understood you to refer to Mr. Sacket instead of Mr. Edmonds. I see that I am at fault in the matter. Have you any recollection now as to what was done with Mr. Sacket's papers?

Mr. McMAHON. No, sir.

Senator POMERENE. That is all.

The CHAIRMAN. Has counsel any further questions?

Mr. LITTLEFIELD. No; I have not.

The CHAIRMAN. The witness is excused.

Mr. LITTLEFIELD. I believe Mr. McMahon lives in Madison, and he wants to know whether he may be finally excused, subject, of course, to being recalled if the committee so desire. Is it understood that he will be finally excused?

The CHAIRMAN. You will be excused.

TESTIMONY OF ULYSSES C. KELLER.

Mr. KELLER, having been heretofore duly sworn, was examined and testified as follows:

The CHAIRMAN. Where do you reside?

Mr. KELLER. Baraboo, Wis.

The CHAIRMAN. How long have you resided there?

Mr. KELLER. I have lived in Sauk County practically all of my life, with the exception of two or three years.

The CHAIRMAN. Have you at any time held any public office in this State?

Mr. KELLER. Yes.

The CHAIRMAN. What office?

Mr. KELLER. I was clerk of the court for six years, and I was deputy sheriff for two terms.

The CHAIRMAN. Did you hold any office during the summer of 1908?

Mr. KELLER. I was special game warden for a couple of months, without any compensation.

The CHAIRMAN. What months were those?

Mr. KELLER. I do not remember. It was just for a little while. There was some trouble going on.

The CHAIRMAN. Was it in the year 1908?

Mr. KELLER. Yes.

The CHAIRMAN. Was it during the primary campaign?

Mr. KELLER. Yes. I think it was in September and October, after the campaign.

The CHAIRMAN. After the primary campaign in the fall?

Mr. KELLER. Yes.

The CHAIRMAN. The primaries were held on the 1st of September.

Mr. KELLER. Yes. Allow me to correct myself there. I might have been appointed some time in August, but it had nothing to do with the campaign at all.

The CHAIRMAN. In the specific charges filed in this case by John J. Blaine, State senator from the sixteenth district, on January 26, 1909, challenging the validity of the election of Senator Stephenson to the United States Senate, the fourth specific charge is as follows:

That in pursuance of the purposes and design above stated, said Isaac Stephenson did, by and through his agents, prior to said primary, pay to one U. C. Keller, of Sauk County, an elector of this State, the sum of \$300 as a compensation for some act to be done by said Keller for said Stephenson preliminary to said primary, corruptly and unlawfully.

Is that statement true?

Mr. KELLER. It is absolutely false.

The CHAIRMAN. Did Senator Stephenson or anyone acting in his behalf pay you the sum of \$300 during that time?

Mr. KELLER. No, sir.

The CHAIRMAN. Did they pay you any sum of money to secure your doing anything?

Mr. KELLER. No, sir. If I can make a statement——

The CHAIRMAN. Yes; you may explain.

Mr. KELLER. I received some money to reimburse me for money that I had actually expended in the Senator's behalf, but I had already spent the money when I received payment from Mr. Edmonds.

The CHAIRMAN. You may state fully in regard to that matter. Can you do so?

Mr. KELLER. I certainly can.

The CHAIRMAN. Very well, do it.

Mr. KELLER. Do you mean that I should start and tell how I became his manager?

The CHAIRMAN. State it as concisely and as nearly in the order of the occurrences as you can.

Mr. KELLER. I had always been a Stephenson man; and I was out putting up some of his lithographs and posters one evening. I had never heard from Mr. Edmonds or Mr. Sacket or anyone connected with the Stephenson campaign; but there had been a bunch of posters sent to me. I had been over the county, and I knew at this time that there was very little work being done in behalf of Senator Stephenson. When I got back to Baraboo I was going through the city putting up these posters that I had received, and I ran across a man in a hotel on the south side, who was out in behalf of Senator Stephenson. His last name was Keyes, or Kyse. He was having an argument with some railroad men. I butted into the conversation, and I took him down and introduced him to the railroad men through the roundhouse and shops, and so on, as I knew them all. When I got through he asked me if I was one of the Senator's local managers. I told him I was not, but that I was one of his local supporters. I told him the conditions as they were throughout Sauk County, as I had personal knowledge of them. I had just been over the county, not in behalf of any candidate, but on a business proposition. I asked this man Keyes if he had any lithographs or posters, and told him that I was around considerably, and I would like to put them up in behalf of the Senator.

As I say, in the course of two or three days I received a bunch of them, and I went out and put them all through the city. I wrote Mr. Edmonds myself, telling him about the conditions over the county, and that the Senator's literature and lithographs and posters and so on were not up. I gave him a list of names of men with whom I had talked who were Stephenson men, and said that if he would send them to these particular parties I thought they would see that they were put up—that is, posters, lithographs, and so on. As I say, I got quite a lot, and put them up.

The CHAIRMAN. Did you ask Mr. Edmonds to send you any money?

Mr. KELLER. No, sir; never a dollar.

I posted the city of Baraboo, and after sending in a list of the names of the different men that I thought were Stephenson men, that I knew were Stephenson men, I got a letter from Mr. Edmonds, or a telephone message (one or the other) requesting me to come to Milwaukee, as he would like to see me. I came down, and he wanted to know where I got my information, what I knew of the conditions in Sauk County, and so on. I told him that I knew at least three-fourths of the voters in the county, and was pretty well posted, and so on. I told him to send his literature and posters and so on to these different parties. He asked me if I could not go up and do that. I told him I could. I went back, and he expressed the literature and everything right to Baraboo.

The CHAIRMAN. Was there anything said about making a payment when you were here in Milwaukee?

Mr. KELLER. Not a nickel. There was nothing mentioned at all. I went through Sauk County, and I went from one village to the other; I took a pair of horses and drove right through the county, and I would get some fellow (usually a bill poster, or something like that) and give him 50 cents or 75 cents or a dollar to go through and post up this literature, to put up the posters and distribute the literature, and so on.

The CHAIRMAN. Did you take him with you in your buggy?

Mr. KELLER. No. I would stay there until he had done it. I would go out and talk in behalf of the Senator and find out who was for him and who was against him. I made a memorandum of it, and every night I reported to Mr. Edmonds. If I was in an inland town, off the railroad, where he could not get a letter for a day or two, I would telephone him; if I was on the railroad, I would send a letter, giving him the names of people in different precincts who were for the Senator and who were against him, and why, etc.

When I got through and was back and had posted all this I had a telephone message from Mr. Edmonds to come back to Milwaukee. I came back to Milwaukee and met him over here at the headquarters. He seemed very well pleased, and so on, and he asked me if the draft that he had sent—I think it was a cashier's check that he had sent me—he asked me first, I think, how much I had expended, how much that trip had cost me. I had been out about a week or eight or nine days. I told him probably around forty or fifty dollars. He said, "Then the cashier's check that I sent you covered all of your expenditures?" I told him I had not received any, and he said that he had sent one a day or two ago. I had taken the train at Prairie du Sac in place of going to Baraboo, where my mail was.

When I got here to Milwaukee Mr. Edmonds wanted to know if I knew of some man who would take charge of Senator Stephenson's campaign in Sauk County. I told him that practically all of the most active workers in the past campaigns were connected with one side or the other at the present time, because the other candidates had been in the field so long; that I did not know of any. He said: "Can you go back and do it?" I told him I did not like to take charge of it at that late date. I told him that Sauk County was one of the strongest organized counties in the State, and it was where the original fight was started, and I did not like to take charge of it. He wanted to know what I could do there. I told him I never could carry Sauk County for the Senator, but I could bring him in a second. He said: "Can you do that?" I said, "Yes." He said: "How much will it cost you to do it?" (This was along about the middle of August.) I told him I did not think it would exceed \$300. He wanted to know my method of campaigning, and so on, and I told him the method I would use in this case, and he said, "Go on and do it." He said: "We stand ready and willing to reimburse any supporter of ours for any legitimate expenses that he may incur;" and I started out then and stayed out until primary day.

The CHAIRMAN. How much money did you receive altogether out of the Stephenson campaign fund?

Mr. KELLER. I received this \$50, as I say, first; and when the campaign was practically over, or when I was through, I either sent him a statement or told him practically what I had expended, and it amounted to \$150.

Senator POMERENE. That is, in addition to the \$50?

Mr. KELLER. In addition to the first \$50. I received \$200 in all.

The CHAIRMAN. That is your testimony on the former hearing?

Mr. KELLER. I do not know. I never read my testimony since.

The CHAIRMAN. Did you spend any money in saloons?

Mr. KELLER. I did not spend a nickel of Senator Stephenson's money.

The CHAIRMAN. Whose money did you spend?

Mr. KELLER. If I ever spent any in a saloon, I spent my own. I have a very wide acquaintance. If I met a friend he might have bought me a drink, and I might have bought him one. I did not make any saloon campaign whatever.

The CHAIRMAN. Do you know of any Stephenson money being spent in saloons?

Mr. KELLER. No, sir; there was none—not in Sauk county.

The CHAIRMAN. Did you support Mr. Towne for the assembly?

Mr. KELLER. Mr. Towne was not in my district.

The CHAIRMAN. Did you give him any support in any way?

Mr. KELLER. I think I did; yes, sir—very little, though. I was over in his district a day or two. It was only for personal reasons.

The CHAIRMAN. Was he a Stephenson man?

Mr. KELLER. No, sir.

The CHAIRMAN. You were not helping Senator Stephenson any when you were helping to elect Mr. Towne; were you?

Mr. KELLER. No; I was simply out to defeat a political enemy of mine

The CHAIRMAN. You testified on page 4105 in regard to the matter. You were induced to do that through Mr. Stone, were you; or was it of your own volition?

Mr. KELLER. It was of my own accord.

Senator POMERENE. You say that you incurred about \$150 of expense after you had spent the \$50?

Mr. KELLER. Yes, sir.

Senator POMERENE. What was that for?

Mr. KELLER. I will give it to you; I will not be over a dollar or two out of the way on each item. It was about \$57 of \$58 for livery hire. If you want to know the names of the livery men from whom I got the teams I can give them to you.

Senator POMERENE. Go ahead with the rest of the items.

Mr. KELLER. The rest—some sixty-odd dollars—was for hotel bill. There was \$17.50 for 500 cigars. There was some \$4 or \$5 for a stenographer, for personal letters that I sent out just before the primary. I sent them out for support, before the primary. There was \$3 or \$4 for telephone messages.

Senator POMERENE. Was any other money spent for workers at the polls?

Mr. KELLER. In a way, yes. In this way: As I say, I have a very wide acquaintance there, and it was my personal friends who were doing this, and I would give them a box of cigars; and a few of these items that I have in as "livery hire" were actually paid to men. I went to the country, and would find a thrasher crew and find a lot of them that were favorable to the Senator; and I would give some fellow a couple of dollars, and tell him to hitch up just after dinner and drive the boys off to the polls to vote, so they would go to vote, you see. I would give them a couple of dollars. I put that in as "livery" in several instances.

Senator POMERENE. Did you have any regular workers at the polls for the day?

Mr. KELLER. Yes, sir.

Senator POMERENE. How many did you have?

Mr. KELLER. I think there were some in behalf of Senator Stephenson in every precinct in Sauk County.

Senator POMERENE. That you had employed?

Mr. KELLER. They simply went there at my request; that was all. They were Stephenson men, and I wanted them to go there.

Senator POMERENE. Did you pay them?

Mr. KELLER. Some of them got a box of cigars, and a whole lot of them did not get anything, but they went there. They were personal friends of mine—very personal friends of mine.

Senator POMERENE. According to the statement of expenditures which you have made, you would not have very much left to hire men at the polls.

Mr. KELLER. I think after I had figured it all up there was somewhere about \$18 that was left, and I figured that was for my two trips to Milwaukee. I had been to Milwaukee on two different occasions. The railroad fare is a little over \$5. I had charged nothing for my services, or anything at all that I had spent among my friends.

Senator POMERENE. That is all.

Mr. LITTLEFIELD. Mr. Keller, did you at any time during the campaign use any money, either directly or indirectly, for the purpose of bribing or improperly or corruptly influencing any of the electors in that vicinity, in the interest of Senator Stephenson, in his primary campaign?

Mr. KELLER. Not a nickel.

Mr. LITTLEFIELD. Was any money that you may have furnished to other people, so far as you know, used, either directly or indirectly, for the purpose of bribing or corruptly influencing any electors in that primary election in the interest of Senator Stephenson?

Mr. KELLER. I am absolutely certain there was not.

Mr. LITTLEFIELD. That is all.

The CHAIRMAN. The witness is excused.

TESTIMONY OF CHARLES M. HAMBRIGHT.

CHARLES M. HAMBRIGHT, having been previously sworn, was examined and testified as follows:

The CHAIRMAN. Where do you reside?

Mr. HAMBRIGHT. Milwaukee.

The CHAIRMAN. How long have you resided there?

Mr. HAMBRIGHT. A little over four years.

The CHAIRMAN. Did you reside in Milwaukee during the summer of 1908?

Mr. HAMBRIGHT. I did.

The CHAIRMAN. In what business were you engaged?

Mr. HAMBRIGHT. I was in the manufacturing business until January, 1908, when it burned out.

The CHAIRMAN. After January, 1908, in what business were you engaged, if any?

Mr. HAMBRIGHT. Not in anything particular after that.

The CHAIRMAN. Did you participate in the Stephenson senatorial campaign?

Mr. HAMBRIGHT. I did.

The CHAIRMAN. In what way?

Mr. HAMBRIGHT. They dub me as a scout, I believe.

The CHAIRMAN. Did you receive any money from the Stephenson campaign fund for the services that you performed?

Mr. HAMBRIGHT. I did.

The CHAIRMAN. How much?

Mr. HAMBRIGHT. I received \$300 for services, and then expense money of \$245.50.

The CHAIRMAN. Did you render an account of the money you spent?

Mr. HAMBRIGHT. An itemized account.

The CHAIRMAN. For what did you expend that money?

Mr. HAMBRIGHT. Hotel, railroads, posting bills, telephone, and things of that kind.

The CHAIRMAN. Where did you expend it?

Mr. HAMBRIGHT. In nine different counties.

The CHAIRMAN. Name them.

Mr. HAMBRIGHT. Racine, Kenosha, Walworth, Rock, Lafayette, Dodge, Iowa, and Grant.

The CHAIRMAN. What class of expenditures did you make? What did you buy?

Mr. HAMBRIGHT. I bought something to eat; then there were hotel bills and railroads.

The CHAIRMAN. For yourself?

Mr. HAMBRIGHT. For myself, and occasionally for the men that I met.

The CHAIRMAN. Did you expend any of it for others?

Mr. HAMBRIGHT. For liquors?

The CHAIRMAN. Did you expend any of it for other people?

Mr. HAMBRIGHT. Yes; occasionally for meals.

The CHAIRMAN. Only for meals?

Mr. HAMBRIGHT. That is all.

The CHAIRMAN. Did you spend any of it for liquors or cigars?

Mr. HAMBRIGHT. Not any. Oh, cigars? Yes, sir. It is in the items in my account. Not for liquor.

The CHAIRMAN. What do you mean by "sundries" in your itemized account?

Mr. HAMBRIGHT. When I was unable to account at the end of the week, or when I came in, what I was short, I put in as "sundries," which is a custom I have always observed in traveling. I have traveled for 35 years on the road selling goods; and most traveling men have a "sundry" account at the end of their expense account.

The CHAIRMAN. That item of "sundries" was not for treats, liquors, or cigars?

Mr. HAMBRIGHT. It might have been for cigars, but no liquors.

The CHAIRMAN. You did not make a saloon campaign?

Mr. HAMBRIGHT. Not any.

The CHAIRMAN. I have here Exhibit No. 117, introduced before the joint committee of the Legislature of Wisconsin, being an itemized account of your campaign expenses in the Stephenson campaign, which totals \$245.50. Is that correct?

Mr. HAMBRIGHT. That is correct.

The CHAIRMAN. You recognize this document as the one which you made and filed?

Mr. HAMBRIGHT. Yes, sir.

The CHAIRMAN. And the items set out therein are correct?

Mr. HAMBRIGHT. Yes, sir.

The CHAIRMAN. This will be copied into the record and returned to the superintendent of State property.

(The account referred to is in words and figures as follows:)

C. M. HAMBRIGHT'S ACCOUNT OF STEPHENSON CAMPAIGN EXPENSES.

July 2, transportation to Racine.....	\$0.46
July 3, telephone to Milwaukee.....	.55
July 5:	
Bill at Hotel Racine.....	7.50
Ticket to Milwaukee.....	.46
July 6:	
Ticket to Racine.....	.46
Kenosha and return, fare.....	.35
July 8, book.....	.25
July 9:	
Hotel bill.....	8.20
Ticket to Union Grove.....	.30

July 9—Continued.	
Bill at Union Grove.....	\$0. 35
Ticket to Burlington.....	. 24
Livery to Rochester.....	2. 00
Sundries.....	5. 38
July 10:	
Bill to Burlington.....	2. 00
Bus at Burlington.....	. 25
Ticket to Delevan.....	. 38
Bus at Delevan.....	. 25
Ticket to Beloit.....	. 45
July 11:	
Messenger.....	. 25
Bill at Beloit.....	2. 50
Bus.....	. 25
Ticket to Janesville.....	. 30
July 13:	
Bill Janesville, hotel.....	6. 00
Ticket to Edgerton.....	. 31
Ticket to Milwaukee.....	1. 42
July 15:	
Ticket to Racine.....	. 46
Hotel, Racine.....	3. 65
Expense in Milwaukee.....	2. 50
July 16:	
Stamps.....	. 50
Phone, Milwaukee.....	. 25
Ticket to Union Grove.....	. 30
Ticket to Burlington.....	. 34
Bill at Union Grove.....	. 50
July 17:	
Bill at Burlington.....	1. 00
Bus.....	. 25
Ticket to Springfield.....	. 13
Stage to Lake Geneva.....	1. 00
Bill at Geneva.....	. 50
Ticket to Delevan.....	. 25
July 18:	
Bill at Delevan.....	1. 50
Bus at Delevan.....	. 25
Ticket to Beloit.....	. 45
Bill at Beloit.....	. 75
July 19, ticket to Janesville.....	. 30
July 20:	
Hotel, Janesville.....	5. 00
Ticket to Monroe.....	. 78
Sundries.....	4. 58
Bill at Monroe.....	1. 00
Bus.....	. 25
Ticket to Darlington.....	. 78
July 21:	
Bill at Darlington.....	1. 50
Ticket to Schullsburg.....	. 43
July 22:	
Bill at Schullsburg.....	1. 50
Bus.....	. 25
Ticket to Brodhead.....	. 98
Bill at Brodhead.....	. 50
Ticket to Milwaukee.....	1. 80
Hotel bill.....	. 50
July 23, hotel.....	3. 00
July 24:	
Ticket to Watertown.....	. 90
Hotel.....	. 50
Bus.....	. 25
Ticket to Jefferson.....	. 27

July 25:		
Cigars.....		\$1. 50
Bill at Jefferson.....		2. 50
Ticket to Watertown.....		. 27
July 27:		
Hotel bill.....		3. 50
Bus.....		. 25
Ticket to Milwaukee.....		. 90
July 28:		
Hotel bill.....		2. 50
Ticket to Lake Geneva.....		1. 00
July 29:		
Ticket to Walworth.....		. 90
Posting bills.....		1. 00
July 30:		
Phone.....		. 30
Ticket to Genoa Junction.....		. 34
July 31:		
Posting bills.....		1. 25
Hotel, Geneva Lake.....		5. 50
Railroad to Elkhorn.....		. 75
Aug. 1:		
Extra meals.....		3. 00
Hotel.....		2. 00
Ticket to Milwaukee.....		1. 07
Hotel.....		3. 00
Ticket to Janesville.....		1. 47
Aug. 3, ticket to Beloit.....		. 25
Aug. 4, hotel, Janesville.....		1. 75
Aug. 5:		
Hotel at Beloit.....		3. 00
Ticket to Clinton Junction.....		. 20
Ticket to Delevan.....		. 25
Aug. 6:		
Bill and buss Delevan.....		2. 50
Ticket to Racine.....		. 92
Bill posting.....		1. 25
Aug. 7:		
Hotel.....		3. 00
Ticket to Kenosha.....		. 15
Bill at Kenosha.....		1. 50
Sundries.....		17. 02
Aug. 10, ticket to Racine.....		. 46
Aug. 11:		
Expense, Milwaukee.....		2. 00
Telephone.....		. 20
Aug. 12:		
Hotel bill.....		. 50
Livery.....		3. 00
Telephone.....		. 25
Ticket to Kenosha and return.....		. 30
Aug. 13:		
Ticket to Fox River.....		. 60
Livery.....		3. 00
Hotel.....		1. 00
Ticket to Racine.....		. 60
Aug. 14:		
Bill at Racine.....		9. 17
Ticket to Milwaukee.....		. 46
Aug. 17:		
Expense in Milwaukee.....		3. 00
Ticket to Madison.....		1. 64
Bill at Madison.....		2. 00
Ticket to Darlington.....		1. 70
Aug. 19:		
Bill at Darlington.....		2. 50
Livery to Schullsburg.....		3. 50

Aug. 19—Continued.

Hotel Schullsburg.....	\$1. 00
Ticket to Janesville.....	1. 35
Phone Milwaukee.....	. 80
Aug. 20:	
Bill at Janesville.....	1. 50
Bus at Janesville.....	. 25
Ticket to Beloit.....	. 25
Bill at Beloit.....	. 50
Telephone.....	1. 00
Ticket to Burlington.....	. 84
Aug. 21:	
Bill at Burlington.....	1. 75
Livery at Burlington.....	3. 00
Feed and man.....	1. 00
Hotel.....	. 50
Ticket to Milwaukee.....	. 60
Aug. 25, ticket to Racine.....	. 46
Aug. 26:	
Hotel, Racine.....	3. 25
Phone.....	. 85
Ticket to Milwaukee from Kenosha.....	. 67
Hotel at Kenosha.....	. 75
Fare to Kenosha.....	. 20
Ticket to Platteville.....	3. 05
Hotel and buss, Platteville.....	3. 25
Aug. 27:	
Telephone.....	. 60
Bill poster.....	2. 00
Bus at Platteville.....	. 25
Aug. 28:	
Ticket to Mineral Point.....	. 53
Hotel, Mineral Point.....	. 50
Ticket to Lancaster.....	1. 25
Aug. 29:	
Bill at Lancaster.....	1. 50
Ticket to Fennimore.....	. 29
Bill at Fennimore.....	. 50
Ticket to Milwaukee.....	3. 22
Hotel.....	. 50
Sundries.....	11. 86

245. 50

The CHAIRMAN. It is charged in the fifth specific charge, filed on January 26, 1909, with the Legislature of Wisconsin by John J. Blaine, State senator from the sixteenth district, as follows:

That in further pursuance of such purposes and design said Isaac Stephenson, by and through his agents, prior to said primary, paid to one Hambright, of Racine, Wis.—

Does that refer to you?

Mr. HAMBRIGHT. Yes. I formerly lived at Racine.

The CHAIRMAN (continuing):

Large sums of money as a consideration for some act to be done by said Hambright for said Stephenson preliminary to said primary, said Hambright being then an elector of this State, corruptly and unlawfully.

Is that statement true?

Mr. HAMBRIGHT. It is absolutely false, so far as using money corruptly is concerned.

The CHAIRMAN. You deny the allegation that this money was paid corruptly and unlawfully?

Mr. HAMBRIGHT. Yes, sir.

The CHAIRMAN. You admit, however, that you received a certain sum for the services that you have rendered as described?

Mr. HAMBRIGHT. Yes, sir.

The CHAIRMAN. How long were you engaged in the performance of those services?

Mr. HAMBRIGHT. During the months of July and August.

The CHAIRMAN. Two months?

Mr. HAMBRIGHT. Two months.

The CHAIRMAN. It was \$150 a month as compensation, was it?

Mr. HAMBRIGHT. Yes.

The CHAIRMAN. That is the sole basis of that fifth specific charge?

Mr. HAMBRIGHT. I suppose so.

The CHAIRMAN. You received this money from Mr. Sacket, did you?

Mr. HAMBRIGHT. I think it all came through his hands; yes, sir.

The CHAIRMAN. You made your arrangement with Mr. Edmonds, did you?

Mr. HAMBRIGHT. No, sir—with Mr. Sacket, before Mr. Edmonds came.

The CHAIRMAN. You made your arrangements in Milwaukee?

Mr. HAMBRIGHT. In Milwaukee; yes, sir; at the headquarters.

The CHAIRMAN. What instructions were you given as to the expense that you were authorized to incur?

Mr. HAMBRIGHT. Practically none—"Go on and do as you think best in the matter." I have had experience.

The CHAIRMAN. Did you use any part of this money for the purpose of gaining the vote of any elector of the State of Wisconsin for Senator Stephenson?

Mr. HAMBRIGHT. Not in my way of thinking, no; unless it was buying cigars. That is the only thing. I treated men.

The CHAIRMAN. I understand you to say that you expended it in the manner set forth in the account which you filed?

Mr. HAMBRIGHT. Yes, sir.

The CHAIRMAN. And that will stand as your testimony in regard to the manner of expenditure?

Mr. HAMBRIGHT. Yes, sir.

Senator POMERENE. Your arrangement was made with Mr. Sacket. What were you to do? What was said between you on the subject?

Mr. HAMBRIGHT. I was supposed to go out and——

Senator POMERENE. Not what you were supposed to do. What was said? Give the substance of it, if you can not give the exact language.

Mr. HAMBRIGHT. I was to go out and do what I could in the interest of Senator Stephenson, in seeing the politicians and business men. I had a large acquaintance through the State.

Senator POMERENE. Was anything else said?

Mr. HAMBRIGHT. He said, "We do not want a saloon campaign," and I made the remark that that was not necessary to say to me.

Senator POMERENE. Was anything further said?

Mr. HAMBRIGHT. Nothing in particular that I can think of.

Senator POMERENE. When you did go out what did you do?

Mr. HAMBRIGHT. I saw the leading men in the different counties, different cities, to ascertain how they felt toward Senator Stephenson, and, if they were in accord with me in that matter, to try and get them to work for him.

Senator POMERENE. Did you employ any men to do other work for him?

Mr. HAMBRIGHT. I hired two men.

Senator POMERENE. Who were they?

Mr. HAMBRIGHT. William and John Wilson, of Darlington.

Senator POMERENE. What was your arrangement with them?

Mr. HAMBRIGHT. It was two weeks before the campaign closed. The arrangement was that they should go on and work the county—they were told to me to be the best workers in the county—and do posting, handing out the Stephenson buttons, and work of that kind.

Senator POMERENE. Were they to do work at the polls?

Mr. HAMBRIGHT. I do not think that was mentioned.

Senator POMERENE. My question was whether or not you had employed them in part to work at the polls?

Mr. HAMBRIGHT. I do not think that was mentioned in my conversation.

Senator POMERENE. What did you agree to pay them?

Mr. HAMBRIGHT. Five dollars a day.

Senator POMERENE. For their services?

Mr. HAMBRIGHT. From that time until the primaries.

Senator POMERENE. And what date was it on which you made that arrangement?

Mr. HAMBRIGHT. On the 14th of August, I think.

Senator POMERENE. That is, each was to receive \$5 a day?

Mr. HAMBRIGHT. Yes; \$5 a day and expenses.

Senator POMERENE. I think that is all.

Mr. LITTLEFIELD. Do you know who ultimately paid them?

Mr. HAMBRIGHT. I do not know. I never saw them afterwards.

Mr. LITTLEFIELD. You did not pay them?

Mr. HAMBRIGHT. No, sir.

Mr. LITTLEFIELD. Did you disburse any money at any time during the campaign to any people who were at work in the campaign?

Mr. HAMBRIGHT. No; unless it was to tack up posters or something of that kind.

Senator POMERENE. Small items?

Mr. HAMBRIGHT. Yes; little items. That is where the "sundries" came in.

Mr. LITTLEFIELD. So that your connection with the campaign was substantially the receipt of the \$300 for compensation and the \$245.50 for your expenses?

Mr. HAMBRIGHT. That is it.

Mr. LITTLEFIELD. And what trifling disbursements you may have had that you now speak of?

Mr. HAMBRIGHT. Yes, sir.

Mr. LITTLEFIELD. Did you pay any money during that campaign for the purpose of either directly or indirectly bribing or corruptly or improperly influencing any of the electors in the interest of Senator Stephenson?

Mr. HAMBRIGHT. I did not.

Mr. LITTLEFIELD. Was any money paid by any of the people with whom you had your conferences or to whom you may have paid any money—

Mr. HAMBRIGHT. I did not pay any money.

Mr. LITTLEFIELD. One moment; you may have paid a few dollars for posting. To your knowledge, was any money paid by anyone

with whom you had any arrangements or conversations, or to whom you may have given small sums, for the purpose of either directly or indirectly bribing or corruptly or improperly influencing any of the electors in the interest of Senator Stephenson in that primary election?

Mr. HAMBRIGHT. Not to my knowledge.

Mr. LITTLEFIELD. That is all.

Senator POMERENE. Just one question further: You have referred to an account which you gave to the former investigating committee. Did you render an account of these expenditures to Mr. Edmonds or to Mr. Sacket?

Mr. HAMBRIGHT. When I came in each week or two weeks, as the case might be, I always told them what my expenses had been.

Senator POMERENE. Did they keep a memorandum?

Mr. HAMBRIGHT. I do not think so.

Mr. LITTLEFIELD. Did you give them the details or simply the aggregate?

Mr. HAMBRIGHT. I had them in my pocket in this little book I have in my pocket now. [Producing a memorandum book.]

Mr. LITTLEFIELD. No; the question was, did you at that time give them the details or did you simply give them the aggregate?

Mr. HAMBRIGHT. I do not think they asked me for the details.

Mr. LITTLEFIELD. You simply gave them the amount?

Mr. HAMBRIGHT. I gave them the amount.

Senator POMERENE. Then, outside of the fact that you from time to time stated the amount of your expenditures during a trip, you rendered no account to them?

Mr. HAMBRIGHT. No, sir.

Senator POMERENE. This account which you gave to the subcommittee you took from the memorandum book in which you kept your account as the different items of expense were incurred?

Mr. HAMBRIGHT. Yes, sir.

Mr. LITTLEFIELD. And is that the memorandum book which you now hold in your hand?

Mr. HAMBRIGHT. Yes, sir.

Mr. LITTLEFIELD. And it is ready for presentation to the subcommittee, if they desire it?

Mr. HAMBRIGHT. If they desire it. There are some other private matters in it; that is all. The account is an exact copy of it.

Mr. LITTLEFIELD. But the account is taken from this memorandum book that you now hold in your hand?

Mr. HAMBRIGHT. Yes, sir.

Mr. LITTLEFIELD. Which memorandum book you submit to the inspection of the subcommittee, if they desire it?

Mr. HAMBRIGHT. Yes, sir.

Mr. LITTLEFIELD. That is all.

The CHAIRMAN. That is all.

TESTIMONY OF EDWARD POLLOCK.

EDWARD POLLOCK, having been previously sworn, was examined and testified as follows:

The CHAIRMAN. Mr. Pollock, where do you reside?

Mr. POLLOCK. At Lancaster.

The CHAIRMAN. What is your occupation?

Mr. POLLOCK. Publisher and printer.

The CHAIRMAN. What is the name of the paper?

Mr. POLLOCK. The Teller.

The CHAIRMAN. How long have you been such publisher?

Mr. POLLOCK. It is past 28 years that I have published that paper.

The CHAIRMAN. Are you the proprietor of the paper?

Mr. POLLOCK. Yes.

The CHAIRMAN. The editor?

Mr. POLLOCK. Yes.

The CHAIRMAN. Did you participate in the senatorial campaign in 1908 at which Senator Stephenson was a candidate for nomination?

Mr. POLLOCK. I did, through the paper.

The CHAIRMAN. Only through the paper?

Mr. POLLOCK. Yes.

The CHAIRMAN. Did you receive any sum of money from Senator Stephenson or from his campaign managers or anyone acting in his behalf for your support of Isaac Stephenson?

Mr. POLLOCK. No; I did not receive any.

The CHAIRMAN. On the 26th of January, 1909, John J. Blaine, a State senator from the sixteenth district in this State, filed with the legislature specific charges challenging the election of Senator Stephenson to the Senate; and the tenth of those charges mentions the name of one Edward Pollock, of Lancaster. You are the man, are you?

Mr. POLLOCK. Yes.

The CHAIRMAN. I will read you the charge, and ask you if it is true. It is found at page 427 of the record of the proceedings before the joint investigation committee, and reads as follows:

That in further pursuance of such purposes and design, said Isaac Stephenson, by and through his agents, prior to such primary, did offer to pay to Edward Pollock, of Lancaster, Wis., certain sums of money, as editor of the Teller, a newspaper published in said city of Lancaster, Wis., and to other editors of newspapers who were at such time electors of this State, for the purpose of purchasing the editorial support of such editors and as a consideration of something to be done relating to such primary, corruptly and unlawfully.

So far as that recites facts concerning you, is it true?

Mr. POLLOCK. The Stephenson managers made propositions to me for publishing in my paper, offering support, and so on.

The CHAIRMAN. As advertisements?

Mr. POLLOCK. There were some advertisements, and I think there were articles sent asking; that is, to take the place of editorials.

The CHAIRMAN. Did they offer to pay you for publishing such articles?

Mr. POLLOCK. Yes; as I understood it, it was to be paid for.

The CHAIRMAN. How much did they offer to pay you?

Mr. POLLOCK. I do not think there was ever any sum named. I can not say as to that.

The CHAIRMAN. Was the offer more than a statement that if you published them they would pay your charges?

Mr. POLLOCK. I hardly know how to answer that. The articles and the advertising were sent there to be paid for. There is no question about that.

The CHAIRMAN. As advertising matter?

Mr. POLLOCK. Yes; some of it. I was not at home at the time; these articles would be received in my absence. I was at that time State treasury agent at Madison; and I would know nothing of it until I would go home, in many cases.

The CHAIRMAN. Were these offers by letter?

Mr. POLLOCK. Yes.

The CHAIRMAN. Have you those letters, or any of them?

Mr. POLLOCK. No; I hardly think so. I do not know.

The CHAIRMAN. You say that they transmitted to you through the mails articles to be published as editorial matter in your paper, and offered to pay you for publishing those articles? Is that the fact?

Mr. POLLOCK. That is the way I understood it. It is a good while ago, and I have not tried to retain in my memory the exact facts as they were. I could not do it very well. It has passed out of my mind very much as to what transpired, until the other day when I got the subpoena; and as I was quite sick at the time, I could not look up anything. The clerk in my office looked up the files of the paper to see what I had said about these things in editorials and writing; but I was "bunged up" with a cold and I could not look them over myself, and I have not even read them since. They refreshed my memory more than anything else the little that one of the clerks read over to me. But of course it was understood—all in the office know that it was understood—that those things were to be paid for.

Mr. LITTLEFIELD. I object to Mr. Pollock's stating the understanding that existed in his office.

The CHAIRMAN. Yes. You need not state the understanding.

Mr. LITTLEFIELD. I do not think that is evidence from any point of view.

The CHAIRMAN. Simply state the facts.

Mr. POLLOCK. That is all I want to do.

The CHAIRMAN. But not the understanding; that is, not office rumor.

Mr. POLLOCK. No.

The CHAIRMAN. Let me now call your attention more specifically to the language in this specific charge, in order that you may have it clearly in your mind. Preliminarily to that I will ask: Did you not see these charges, and publish them in your paper about the time they were made?

Mr. POLLOCK. I am not sure whether I published the charges or not.

The CHAIRMAN. You saw them?

Mr. POLLOCK. I saw them at the time.

The CHAIRMAN. And you knew that your name was mentioned in them?

Mr. POLLOCK. Yes.

The CHAIRMAN. As one of the parties connected with the alleged corruption?

Mr. POLLOCK. Yes.

The CHAIRMAN. You have thought a good bit about it since that time; have you not?

Mr. POLLOCK. I did then. I have not thought much about it since the affair passed away.

The CHAIRMAN. Now, let us read this more carefully, as it applies to you, eliminating from consideration that which applies to some one else:

That in further pursuance of such purposes and design, said Isaac Stephenson, by and through his agents, prior to such primary, did offer to pay to Edward Pollock, of Lancaster, Wis., certain sums of money, as editor of the Teller, a newspaper published in said city of Lancaster. Wis.—

We will eliminate the statement as to other newspapers. Also the statement that you were an elector; we need not consider that part of it—

for the purpose of purchasing the editorial support of such editors.

Did anyone offer to pay you money for that purpose, for the purpose of purchasing your editorial support? Not for publishing something that they furnished, but something for which you stood responsible?

Mr. POLLOCK. I understood that they undertook to purchase my editorial support. That is the way I understood it; that they wanted to——

Mr. LITTLEFIELD. Just one moment: I object to the witness stating his conclusions. That is not evidence from any point of view.

The CHAIRMAN. The witness will state the facts.

Mr. LITTLEFIELD. Yes. It should not go into the record. I think the witness should be required, if the chairman please, to state——

The CHAIRMAN. He has been admonished several times.

Mr. LITTLEFIELD. I know; but the witness should be required to state the contents of whatever he saw, so far as he can.

The CHAIRMAN. I am just proceeding to ask him about the letters.

Mr. LITTLEFIELD. Yes.

The CHAIRMAN. You say these proposals all came by letter?

Mr. POLLOCK. I think all of them came by letter.

The CHAIRMAN. From whom?

Mr. POLLOCK. I do not know, more than that they came from the Stephenson agents.

The CHAIRMAN. Give us the name of the person who wrote you a letter and sent the material that you have described.

Mr. POLLOCK. I can not do it now.

The CHAIRMAN. You can not give the name of a single one?

Mr. POLLOCK. I can tell you who I think did it. I think I had a letter from Edmonds—maybe several of them.

The CHAIRMAN. Have you any recollection on the subject?

Mr. POLLOCK. I can not tell positively.

The CHAIRMAN. If you have no recollection on the subject you can not tell. Did you have any letter from Senator Stephenson in regard to this matter?

Mr. POLLOCK. I do not think so.

The CHAIRMAN. You would remember it had you received such a letter, would you not?

Mr. POLLOCK. I do not know. The first that I had from any of them was from some of his managers.

The CHAIRMAN. How did you know they were his managers, if you can not tell their names?

Mr. POLLOCK. I do not remember names very well. They are not impressed on my mind. But the first that I had was their blanks and papers, asking me to circulate nomination papers for them.

The CHAIRMAN. Did you do that?

Mr. POLLOCK. I did not do it.

The CHAIRMAN. Were you a supporter of Senator Stephenson?

Mr. POLLOCK. No, sir.

The CHAIRMAN. Whom did you support?

Mr. POLLOCK. When I voted, I supported McGovern.

The CHAIRMAN. Then at no time were you a supporter of Senator Stephenson?

Mr. POLLOCK. In that campaign?

The CHAIRMAN. Yes?

Mr. POLLOCK. In that campaign I was not.

The CHAIRMAN. Whom did your paper support?

Mr. POLLOCK. My paper—you check me when I go to tell the exact situation. I was——

The CHAIRMAN. You do not have to resort to rumors to know whom your paper supported, do you?

Mr. POLLOCK. No; but there was a long time there that we were in doubt whether to concentrate our support on Hatton or on McGovern. We wanted to take the one of those that would likely get the most votes, so that we would overcome the votes Stephenson would get. At Madison a great many undertook to persuade me that Hatton was the man sure to get the most votes, and that I ought to support him. I did not like to come out against Hatton under those circumstances; but still, their pressure was so strong that about election time, when I went home, I had about made up my mind I would have my paper support Hatton.

The CHAIRMAN. What was Hatton's politics?

Mr. POLLOCK. I do not know how to answer that question. He was a Republican, of course.

The CHAIRMAN. There seems to be two brands of Republicans here.

Mr. LITTLEFIELD. The Senator has in mind the breed.

The CHAIRMAN. What was he—what kind of a Republican? A Wisconsin Republican?

Mr. POLLOCK. Yes; a Wisconsin Republican.

Mr. LITTLEFIELD. Was he a "half-breed?"

Mr. POLLOCK. That term belongs to the men that call themselves "stalwarts." It does not belong to the other breed. I suppose he was generally called a "half-breed." I was in that class of Republicans, you might say, perhaps; but still, nobody ever stigmatized me personally as a "half-breed." I was a little too tough for them, I guess, and they thought it would not do. But if you will allow me to finish that, when I got home and on the way home it was evident to me that McGovern was likely to get the most votes; and hence my paper in the end came out for McGovern.

The CHAIRMAN. McGovern got about 14,000 votes less than Stephenson, did he not?

Mr. POLLOCK. I guess so.

The CHAIRMAN. And Hatton got 7,000 less than McGovern. That will suffice for that matter. We will go back now to the question as to the person who sent you this request to publish editorials or anything else for or on behalf of Senator Stephenson. Name some one person who did it.

Mr. POLLOCK. I can not name those managers at all, now, except Edmonds. His name comes to me.

The CHAIRMAN. If this were a criminal offense set out in the eleventh specific charge, you would not be able to sustain it, would you?

Mr. POLLOCK. I am not trying to sustain it, particularly.

The CHAIRMAN. Somebody must sustain it or it must fall. It is one of the solemn charges that have been made that have put in motion machinery of the Government that is both expensive and laborious; and we are sent here to inquire as to its truth or falsity. Your name has been connected with it since January 26, 1909, and you have known of it. Have you condemned that statement in your paper?

Mr. POLLOCK. I did.

The CHAIRMAN. As being untrue?

Mr. POLLOCK. Oh, no! Not the statement; no, no, no! I never condemned the statement.

The CHAIRMAN. Have you made any reference to the truth or falsity of the statement that you had been offered pay for publishing these editorials or advertising matter favorable to Senator Stephenson?

Mr. POLLOCK. I can not tell now, without looking over the paper, although I am sure I did speak out strongly to the effect that offers were made to secure the Teller's support from their managers.

The CHAIRMAN. Were they specific and definite offers, upon which the person making the offer could have been held liable?

Mr. POLLOCK. I do not know what they would be held liable for, anyhow.

The CHAIRMAN. You are a man of long experience in the consideration of just that question, as to what may or may not be published without incurring liability on the part of the person responsible for it. Was your denial or denunciation of this charge, contained in this record, specific; and did you say "That is not true; I was not offered money to do this thing"?

Mr. POLLOCK. No; I never did make that statement.

The CHAIRMAN. Did you, then, publish the name of any person who offered you money?

Mr. POLLOCK. I do not know.

The CHAIRMAN. Do you not think it would have been proper for you to have met a charge like that, which has coupled your name with the responsibility for corruption?

Mr. POLLOCK. It seems to me that Mr. Blaine's charges in that respect are true.

The CHAIRMAN. It is up to you to make them true—to establish the truth of them. Who offered you the money?

Mr. POLLOCK. I can not now tell or remember anything but that they were Stephenson managers.

The CHAIRMAN. Then do you think that the reputation of a man in public life, a United States Senator, should rest upon so indefinite a charge as that, when the party alleged as having received the offer can not even tell the name of the person who made it?

Mr. POLLOCK. I could have told then, of course.

The CHAIRMAN. Why did you not tell then in your paper?

Mr. POLLOCK. I do not know that I should tell any better than I did tell. I guess if I should bring those papers here, and read them to you, you would think I told it pretty strongly.

The CHAIRMAN. Perhaps in the shape of comment; but did you give in any publication the names of the persons making the offers?

Mr. POLLOCK. I do not remember that.

The CHAIRMAN. What amount was offered you?

Mr. POLLOCK. I do not remember any amount.

The CHAIRMAN. Was any amount offered you?

Mr. POLLOCK. I suppose——

The CHAIRMAN. No; but——

Mr. LITTLEFIELD. I object to his suppositions.

The CHAIRMAN. Do not "suppose."

Mr. LITTLEFIELD. Give your recollection.

Mr. POLLOCK. I told you that I can not remember the amount; but it would be reasonable to expect my regular prices for advertising—— something of that kind.

The CHAIRMAN. Then they merely offered to purchase the space as advertisers in your paper, and not to bribe you at all, did they?

Mr. POLLOCK. They knew that I was opposed to Mr. Stephenson.

The CHAIRMAN. This is charged as a bribe. Did they offer to bribe you?

Mr. POLLOCK. I take that as bribing. If they knew I was opposed to Mr. Stephenson, and then offered to pay me for supporting Mr. Stephenson, I would call that a bribe.

The CHAIRMAN. Would you call it a bribe if you were asked to carry an advertisement for the Garland stove in your paper, and you did not believe the Garland stove was worth anything at all, but some other stove was better? Would you call that a bribe?

Mr. POLLOCK. I can not look at the thing in that way at all.

The CHAIRMAN. One is personal and the other is impersonal; but the same rule of morality would apply to both.

Mr. POLLOCK. I do not see it so.

The CHAIRMAN. Wherein is the difference that would constitute one a bribe and not the other?

Mr. POLLOCK. A bad stove would not affect a man's morals or honesty or goodness, or any qualities of his mind that I know of.

The CHAIRMAN. Is Senator Stephenson a bad man?

Mr. POLLOCK. I think so.

The CHAIRMAN. Wherein is he bad?

Mr. POLLOCK. Just in securing his election in the way he did.

The CHAIRMAN. But you do not even know how he secured it; and in the particular with which you are directly connected you can not give the name of a person, or the amount that was offered, in support of the statement that you were offered what amounts to a bribe, and might be a penitentiary offense.

Mr. POLLOCK. I do not see that it is put in that form.

The CHAIRMAN. How about your responsibility as a citizen to uphold the law and disclose a violation of it when it comes to your direct notice? Did you report to any officer of the law that you had been offered a bribe in this matter?

Mr. POLLOCK. I do not see it in that way.

The CHAIRMAN. I ask you the question: Did you report it?

Mr. POLLOCK. No; I did not. You put those questions to me in such a way that I can not answer them except by a process of reasoning, and you will not allow me a process of reasoning.

The CHAIRMAN. The questions are susceptible of answers; but it is not necessary to substitute dissertations for the answers. Do you think this is a pretty serious charge with which your name is connected?

Mr. POLLOCK. I do not know how to answer you in that respect. It is a serious charge.

The CHAIRMAN. What would you think if a man had charged you with having tried to bribe him? Would you think that he had heaped, or attempted to heap, ignominy upon you, and that you ought to resent it strongly?

Mr. POLLOCK. Of course I would know, in the first place, that it was wrong.

The CHAIRMAN. The question is, what would you do if a man were to charge you with having tried to bribe him? What would you do?

Mr. POLLOCK. I might not do anything.

The CHAIRMAN. If you had a newspaper, what would you do in the newspaper?

Mr. POLLOCK. I might not think it worth answering, and then I might answer it effectually.

The CHAIRMAN. If you were charged with bribing or attempting to bribe some one to vote for you for governor of this State, would you not resent it?

Mr. POLLOCK. It might come in a way that I would not care anything about.

The CHAIRMAN. But take the case of a man of your standing, a man of your respectability and record in this State as the publisher of a great paper for 30 years; would you not think that a charge of that kind coming from him was worthy of consideration?

Mr. POLLOCK. Coming from him?

The CHAIRMAN. Against you. Suppose this charge was against you?

Mr. POLLOCK. Coming from any man, do you mean?

The CHAIRMAN. Coming from a man of that standing—of your standing. Would you not think that a charge of bribery made by a man of your standing and high character would be worth paying some attention to?

Mr. POLLOCK. I probably would pay some attention to it.

The CHAIRMAN. No; but I am thinking about the other man.

Mr. POLLOCK. I think it would be worth paying attention to.

The CHAIRMAN. Put yourself in the other man's place. How would you feel if such a charge came from a man of your character and respectability?

Mr. POLLOCK. I have told you that I did pay attention to these things in the paper.

The CHAIRMAN. Were you not carrying on a partisan warfare in your paper against Senator Stephenson?

Mr. POLLOCK. Well, yes.

The CHAIRMAN. You were not looking for anything that was favorable to Senator Stephenson to publish in your paper, were you?

Mr. POLLOCK. I did not look for it; no. I do not know that I looked for anything favorable.

The CHAIRMAN. And you refused to receive advertising material into your commercial columns because it might be favorable to Senator Stephenson? Is that true?

Mr. POLLOCK. Yes; that is true.

The CHAIRMAN. Had another person sent you that same material favorable to his business relations, you would have published it, would you, at advertising prices?

Mr. POLLOCK. That depends on circumstances. I do not know. I have refused many commercial advertisements because of their character—a good many of them.

The CHAIRMAN. You have a personal newspaper? You own it and edit it?

Mr. POLLOCK. Yes.

The CHAIRMAN. And you can treat your friends and neighbors in a manner that pleases your disposition of the hour? Is that right?

Mr. POLLOCK. Yes.

The CHAIRMAN. That is all.

Senator POMERENE. Mr. Pollock, did you have any personal interviews with any of the representatives of Senator Stephenson?

Mr. LITTLEFIELD. You mean in relation to this matter?

Senator POMERENE. Yes; with reference to this advertising, or the support of your paper.

Mr. POLLOCK. I do not recall that I did.

Senator POMERENE. Did this copy that was furnished you come by letter?

Mr. POLLOCK. By mail; yes.

Senator POMERENE. By mail?

Mr. POLLOCK. Yes. There were plates sent.

Mr. LITTLEFIELD. What is known as plate matter?

Mr. POLLOCK. Yes; plate matter and letters.

Senator POMERENE. Have you those letters?

Mr. POLLOCK. I suppose not. I do not know.

Senator POMERENE. Have you made any search for them?

Mr. POLLOCK. No; I have not.

Senator POMERENE. Do you usually keep letters of that kind?

Mr. POLLOCK. Hardly so long as this.

Senator POMERENE. In view of the fact that certain charges were made with respect to the support of your paper, would that induce you to have kept any of these letters?

Mr. POLLOCK. It might do so; but, you see, here is another thing to take into consideration: There was an investigation by the legislature. I was at Madison all the time of that investigation, and I never was called upon. Of course it seemed to me that if there was——

Senator POMERENE. What were you doing at Madison at that time?

Mr. POLLOCK. I was State treasury agent.

Senator POMERENE. State treasurer?

Mr. POLLOCK. State treasury agent.

Senator POMERENE. Do you think if you were to make a search you could find these papers, or advise us whether or not they have been destroyed?

Mr. POLLOCK. It would take more search than I would want to undertake. I very much doubt whether anything of that kind could be found at this time.

Senator POMERENE. Would a reference to the files of your paper enable you to state who it was that wrote these letters?

Mr. POLLOCK. I do not know, but I hardly think so. I may have named the parties, but I am not sure about it at all.

Senator POMERENE. Do you think that if you made a search for these papers and did not find them, you could come in here and give us the substance of what there was in the letters?

Mr. POLLOCK. My surest way to get at the substance would be to take the files of my paper and read the articles I have there.

Senator POMERENE. I want to get at this so that it can be in some presentable and legal shape, if it can be. I should like to have you make a search for these letters. Please search any records that you have; and after you have made the search, if you find them, bring them. If you can not find them, and you can testify as to the substance of the communications, the contents of them, we should like you to do that. In other words, there ought to be some foundation laid here for secondary testimony, if that can be had, and the primary testimony can not be had.

The CHAIRMAN. When the witness is excused to-day he will be excused until Thursday at 2 o'clock, at which time he will appear and testify further, in the meantime taking such steps as will exhaust this question. You will make a search for those letters.

Mr. POLLOCK. I am 160 or 170 miles from here.

The CHAIRMAN. You will get mileage for it. You will make a search for those letters——

Senator POMERENE. And the copy.

The CHAIRMAN. Yes, and the copy—anything that was sent to you to be inserted in your paper; the letter accompanying it, or any memorandum accompanying it, and a copy of your paper in which any reference is made to this offer or your rejection of it.

Senator POMERENE. If you can not find the originals, and it should happen that you printed in your paper these letters, bring those copies.

The CHAIRMAN. Or any reference to them.

Mr. POLLOCK. I can hardly imagine that I could find any of those letters.

Mr. LITTLEFIELD. That is not the question.

Senator POMERENE. You do not know, Mr. Pollock, until you have searched.

Mr. POLLOCK. To keep matter for such a length of time where we have loads of stuff coming in every week——

The CHAIRMAN. That is not a sufficient excuse for publishing a statement that is calculated to destroy the personal and political life of a man. Trouble is not a sufficient excuse for it.

Mr. LITTLEFIELD. It does not even involve trouble, but inconvenience, largely.

The CHAIRMAN. That is trouble of one kind.

Mr. LITTLEFIELD. It is for some people.

The CHAIRMAN. Do you want to examine Mr. Pollock now?

Mr. LITTLEFIELD. To be sure—right now, if the committee is through.

The CHAIRMAN. Yes.

Mr. LITTLEFIELD. Mr. Pollock, do I understand that you were in the office when this communication was received?

Mr. POLLOCK. You say "this communication"?

Mr. LITTLEFIELD. Yes; that is what I say. I say "this communication;" I mean the communication that you have in your mind.

Senator POMERENE. What office do you mean?

Mr. LITTLEFIELD. I mean his own office—in his newspaper office. Were you in the newspaper office when the communication that Senator Heyburn has been inquiring about was received, which, you say,

contained or accompanied the plate matter? Do you know whether you were or not?

Mr. POLLOCK. I could not tell. I suppose I was sometimes there when they came and sometimes not.

Mr. LITTLEFIELD. Did plate matter come to your newspaper office more than once?

Mr. POLLOCK. Yes.

Mr. LITTLEFIELD. How many times?

Mr. POLLOCK. I do not know that.

Mr. LITTLEFIELD. Will you say more than twice?

Mr. POLLOCK. I think more than twice.

Mr. LITTLEFIELD. More than three times?

Mr. POLLOCK. I think as many as three times.

Senator POMERENE. Do you mean on this subject?

Mr. LITTLEFIELD. Yes, sir. [To Mr. Pollock.] Of course you know that what I am referring to is this subject matter. I mean plate matter in relation to the Stephenson campaign.

Mr. POLLOCK. Yes.

Mr. LITTLEFIELD. You understand me?

Mr. POLLOCK. Yes.

Mr. LITTLEFIELD. You say you think more than three times?

Mr. POLLOCK. I think so.

Mr. LITTLEFIELD. More than four times?

Mr. POLLOCK. There will have to be a stopping place somewhere.

Mr. LITTLEFIELD. We will stop when you exhaust your recollection; not because you want to stop. Please bear this in mind, Mr. Pollock: We will stop when we get to the end of your recollection. Was it more than three times?

Mr. POLLOCK. You ask me if it was more than three times; I do not know.

Mr. LITTLEFIELD. Very well. You stop there, then, do you? Do you swear to three times?

Mr. POLLOCK. You are trying to make me swear to three times, and I really can not tell that; but in my own mind I am sure there were as many as three. I think there were five or six.

Mr. LITTLEFIELD. Very well. Bear in mind, please, that I am not trying to make you swear to anything. I am simply asking you some questions, and allowing you to swear to whatever you see fit to swear to. Do you understand that? Please bear that in mind; I do not ask you to swear to anything. You swear to whatever you think you see fit to swear to. Is that plain? Do you understand that?

Mr. POLLOCK. Yes; I guess so.

Mr. LITTLEFIELD. Will you be kind enough to govern yourself by that suggestion? Will you?

Mr. POLLOCK. Go on with your questions.

Mr. LITTLEFIELD. Will you be kind enough to govern yourself by that suggestion—that you are to answer just as you see fit?

Mr. POLLOCK. I will do that.

Mr. LITTLEFIELD. Yes. Do I understand that you are prepared to swear, according to your best recollection, that plate matter came to your office at least three times?

Mr. POLLOCK. I do not like to say it that way. I will swear that there were propositions that came three times, and more than three times.

Mr. LITTLEFIELD. I am asking you about plate matter. You have already stated that you were prepared to state that plate matter came at least three times. Now I ask you whether you stand by that statement or not?

Mr. POLLOCK. I will stand by that statement.

Mr. LITTLEFIELD. Very well. So that we have that definitely, have we?

Mr. POLLOCK. That is my——

Mr. LITTLEFIELD. One moment. We have it definitely that you are prepared now to say that your recollection is that plate matter in connection with the Stephenson campaign came from the Stephenson managers at least three times to your newspaper office?

Mr. POLLOCK. That is my recollection.

Mr. LITTLEFIELD. If you were not there to receive it, who was there to receive it? Who had charge in your absence?

Mr. POLLOCK. My son was there most of the time.

Mr. LITTLEFIELD. Does he have charge of the paper?

Senator POMERENE. What is your son's name?

Mr. LITTLEFIELD. I was going to ask him that in a minute.

Mr. POLLOCK. Byrne.

Mr. LITTLEFIELD. Does he have charge in your absence?

Mr. POLLOCK. He did then.

Mr. LITTLEFIELD. What is his name?

Mr. POLLOCK. Byrne Pollock.

Mr. LITTLEFIELD. Where is he now?

Mr. POLLOCK. I guess he is——

Mr. LITTLEFIELD. Is he at home?

Mr. POLLOCK. No. He was here in the city to-day.

Mr. LITTLEFIELD. Is he still with you in the management of the paper?

Mr. POLLOCK. He is one of the State bank examiners, and he is traveling over the State. He was in the city last night, but he is away to-day somewhere.

Mr. LITTLEFIELD. But at that time he was with you in the management of the paper?

Mr. POLLOCK. Yes.

Mr. LITTLEFIELD. I understand you to say also, Mr. Pollock, that you received a circular from the Stephenson headquarters requesting you to circulate nomination papers for Mr. Stephenson. Is that true?

Mr. POLLOCK. Yes. I received—you said "a circular." I do not know——

Mr. LITTLEFIELD. Whatever it was—a letter?

Mr. POLLOCK. It was a number of papers for circulating.

Mr. LITTLEFIELD. You received some correspondence from which you inferred that they desired you to circulate papers for him for nomination?

Mr. POLLOCK. Yes; I received the nomination papers and was asked to circulate them.

Mr. LITTLEFIELD. Your paper had supported the Senator in 1907, had it not?

Mr. POLLOCK. Yes.

Mr. LITTLEFIELD. When did your paper change from its support of the Senator in 1907 to some other candidate?

Mr. POLLOCK. It did not change during that campaign. It was against him when he came up again.

Mr. LITTLEFIELD. I ask you now this question, and if it is not clear, if you will be kind enough to indicate it, I will try to make it clear. I ask you now when your paper changed from its support of the Senator to some other candidate? Of course there was no other candidate until you got around to the campaign in 1908, was there?

Mr. POLLOCK. No; of course not.

Mr. LITTLEFIELD. When did your paper first come out—I will put it that way—in the campaign of 1908 for any candidate for the Senate; or did it not come out at all?

Mr. POLLOCK. It came out against Mr. Stephenson from the first.

Mr. LITTLEFIELD. Yes. Did you come out in favor of any candidate, or was it a fact that the only thing you could make up your mind about was that you were opposed to the Senator, but could not make up your mind whether you were in favor of either of the other candidates? What do you say about that political proposition?

Mr. POLLOCK. I stated that here once. I wanted to support one of those two.

Mr. LITTLEFIELD. The question I am asking you now, Mr. Pollock—it may be that you do not quite get it—is this: Did your paper ever come out in favor of a candidate for the senatorial nomination? Answer that question first.

Mr. POLLOCK. I think at the end it came out for McGovern.

Mr. LITTLEFIELD. Did it not come out for any other candidate before that time?

Mr. POLLOCK. No.

Mr. LITTLEFIELD. You waited until how long before the primary day before this political paper of yours came out for any candidate? How long was it before the primary day that you came out for McGovern?

Mr. POLLOCK. I can not tell you. I spoke favorably of McGovern and Hatton all the way through the campaign.

Mr. LITTLEFIELD. So that you were quite open to support either one?

Mr. POLLOCK. Yes.

Mr. LITTLEFIELD. Did you urge in your paper the support of either of them or both of them?

Mr. POLLOCK. My idea was to urge the support of the one who would likely get the most votes of those two. That was what I was aiming at.

Mr. LITTLEFIELD. How long was your paper supporting Mr. McGovern before the primary day, which I think was the 1st of September, 1908?

Mr. POLLOCK. How long was it out for him?

Mr. LITTLEFIELD. Yes. For how long did your paper come out supporting McGovern before the 1st day of September? Or did you wait until the very last minute before you could make up your mind?

Mr. POLLOCK. In a way I supported McGovern all the time.

Mr. LITTLEFIELD. But in a way, also, you supported Hatton all of the time; did you not?

Mr. POLLOCK. Yes; I think so.

MR. LITTLEFIELD. Do you not know what I mean and what you mean by saying that your paper came out for McGovern? You understand that? You know what that term means?

MR. POLLOCK. Yes.

MR. LITTLEFIELD. I want to ask you again whether it is not a fact that your paper waited until the very last issue before the 1st day of September before it came out for McGovern? Is not that true?

MR. POLLOCK. I can not tell you.

MR. LITTLEFIELD. Refresh your recollection.

MR. POLLOCK. I should have to look it up and see.

MR. LITTLEFIELD. What you mean to say is that you do not remember?

MR. POLLOCK. Yes; I do not remember whether I came out for McGovern distinctly against all the rest or not until at the last.

MR. LITTLEFIELD. You do not remember?

MR. POLLOCK. This was the fact——

MR. LITTLEFIELD. I am not asking you about that fact. I am asking you about this fact——

SENATOR POMERENE. If he has any explanation, I think he should be permitted to make it.

MR. LITTLEFIELD. Yes; if he has any explanation.

SENATOR POMERENE. As I understood it, he answered your question and then attempted to go on with some explanation.

MR. LITTLEFIELD. He was starting to make an answer.

SENATOR POMERENE. I understood he had answered your question and went on to explain. Under the rules of evidence he has a right to explain.

MR. LITTLEFIELD. Provided the explanation relates to the answer.

SENATOR POMERENE. Oh, surely. I can not tell in advance what that is.

MR. LITTLEFIELD. I have asked him for a specific date as to when his paper did something.

SENATOR POMERENE. Let the last question and answer be read.

The reporter read as follows:

MR. LITTLEFIELD. What you mean to say is that you do not remember?

MR. POLLOCK. Yes; I do not remember whether I came out for McGovern distinctly against all the rest or not until at the last.

MR. LITTLEFIELD. You do not remember?

MR. POLLOCK. This was the fact——

MR. LITTLEFIELD. I am not asking you about that fact. I am asking you about this fact——

SENATOR POMERENE. I can not tell whether he had completed his statement or not.

MR. LITTLEFIELD. Mr. Pollock, do you now say that you do not remember whether your paper came out distinctly for McGovern until its last issue?

MR. POLLOCK. As separate from all the rest?

MR. LITTLEFIELD. Yes.

MR. POLLOCK. As to supporting him over all of the others, I do not really remember whether I did; but I spoke favorably of him all the way through and of Hatton all the way through.

MR. LITTLEFIELD. You have already stated that three or four times, and I have no doubt it is true. You do not add anything by repeating it. You still say that you can not now remember whether your paper came out distinctly for McGovern until the last issue?

Mr. POLLOCK. I have answered that, as you say, several times already.

Mr. LITTLEFIELD. You say you do not remember; do you?

Mr. POLLOCK. Yes, sir.

Mr. LITTLEFIELD. Is it a weekly paper?

Mr. POLLOCK. A weekly paper.

Mr. LITTLEFIELD. On what day is it issued?

Mr. POLLOCK. On Thursday morning.

Mr. LITTLEFIELD. May it have been the preceding week, so that it would be two weeks before, or is not your recollection definite enough to state that?

Mr. POLLOCK. No; I can not tell you about that.

Mr. LITTLEFIELD. May it have been three weeks before?

Mr. POLLOCK. I can not tell you. It is just as I tell you—I supported him all the time.

Mr. LITTLEFIELD. You do not have any difficulty in understanding what I mean when I ask you when you came out distinctly; do you? What you mean is that you will not pin yourself down to the fact that you waited until your last issue when you came out for McGovern, but that it may have been a previous issue or a still previous issue. Is not that the way you want to be understood?

Mr. POLLOCK. Yes.

Mr. LITTLEFIELD. That is a fair statement of what you say?

Mr. POLLOCK. That is as well as my memory can carry me.

Mr. LITTLEFIELD. You do not have any difficulty in recollecting that you had three successive transmissions of plate matter. You recollect that distinctly?

Mr. POLLOCK. I said that was my recollection.

Mr. LITTLEFIELD. It is still your recollection; is it not?

Mr. POLLOCK. Yes; that is my recollection; but still, I would not swear right up and down that there were three different ones.

Mr. LITTLEFIELD. No; we will give you a chance to take back one or two of them, if you want to; but your best recollection is that you had three instances of the transmission of "boiler plate." Just exactly when you contributed your support to a third candidate you can not remember. That is what you want to be understood as saying; is it not?

Mr. POLLOCK. It is not a fair question to put it in that way, because I told you I supported him all the way through.

Mr. LITTLEFIELD. That is the only way you can answer that; is it not? It is the only way you think of?

Mr. POLLOCK. That is an answer.

Mr. LITTLEFIELD. You think it is an answer?

Mr. POLLOCK. Yes.

Mr. LITTLEFIELD. It is the only answer you have; is it not?

Mr. POLLOCK. I supported him all the way through; and I told you, I think, that I did not designate him alone until the last issue.

Mr. LITTLEFIELD. You have come to the last issue now, when it looks to you as if you ought to be able to remember "boiler plate," or "plate"?

Mr. POLLOCK. I have given that six times.

Mr. LITTLEFIELD. No; you have not given it once. You have not stated it once until you stated it just now.

The CHAIRMAN. The statement that counsel has just made to the witness—that he has not said a certain thing, when the witness says he has—is not proper. The way to settle that is by reference to the record.

Mr. LITTLEFIELD. I will stand by the record and take my chances on it. Do you keep your mail? Do you have any letter files?

Mr. POLLOCK. Of some I do.

Mr. LITTLEFIELD. What kind of mail do you keep?

Mr. POLLOCK. I keep some business letters and some I do not.

Mr. LITTLEFIELD. What kind of business letters do you keep and what kind do you not keep?

Mr. POLLOCK. Those I think I may have use for.

Mr. LITTLEFIELD. What kind do you think you may have use for?

Mr. POLLOCK. I can not answer that question, because there might be a thousand kinds.

Mr. LITTLEFIELD. That is the best statement you can give, is it?

Mr. POLLOCK. That is my statement.

Mr. LITTLEFIELD. Do you keep the plate matter that is sent to you?

Mr. POLLOCK. No, sir.

Mr. LITTLEFIELD. Do you make any reply to letters that are sent to you with plate matter?

Mr. POLLOCK. Very seldom.

Mr. LITTLEFIELD. Did you make any reply in this instance?

Mr. POLLOCK. I do not think I replied to plate matter sent.

Mr. LITTLEFIELD. Do you remember whether you made any reply in this instance?

Mr. POLLOCK. No; I do not.

Mr. LITTLEFIELD. What was this plate matter?

Mr. POLLOCK. Of course, it was matter for Mr. Stephenson.

Mr. LITTLEFIELD. Yes.

Mr. POLLOCK. There is no use in my answering that, because I do not remember now; but of course it was, and what is the use of the question?

Mr. LITTLEFIELD. Can you tell us what the character of it was?

Mr. POLLOCK. No.

Mr. LITTLEFIELD. Was it plate matter that you were requested to publish?

Mr. POLLOCK. I can only answer that I take it for granted that it was.

Mr. LITTLEFIELD. Was there anything but plate matter that you were requested to publish?

Mr. POLLOCK. Why, written and printed matter came——

Mr. LITTLEFIELD. I want your recollection.

Mr. POLLOCK. Written and printed matter came to be set up other than plate matter.

Mr. LITTLEFIELD. Are you prepared to swear that at the time you received the plate matter there was other matter you were requested to publish? If so, what was it?

Mr. POLLOCK. In the same week?

Mr. LITTLEFIELD. Any week.

Mr. POLLOCK. There were other propositions.

Mr. LITTLEFIELD. What was the nature of the other matter? Was it a printed slip or typewritten?

Mr. POLLOCK. I can not tell.

Mr. LITTLEFIELD. Are you prepared to testify that you now recollect that accompanying the plate matter there was other matter?

Mr. POLLOCK. I will not say that accompanying the plate matter there was other matter, because I do not know. The plate matter may have come alone.

Mr. LITTLEFIELD. Is it your recollection that on other occasions there was other matter than plate matter?

Mr. POLLOCK. Yes.

Mr. LITTLEFIELD. How many times?

Mr. POLLOCK. I can not tell.

Mr. LITTLEFIELD. Can you give any description of its character?

Mr. POLLOCK. No.

Mr. LITTLEFIELD. Was anything said about where it was to be inserted in your paper?

Mr. POLLOCK. I do not remember.

Mr. LITTLEFIELD. Was anything said as to whether it was to be inserted in the editorial column?

Mr. POLLOCK. I do not remember.

Mr. LITTLEFIELD. Do you not know that nothing was said about its being inserted in the editorial column?

Mr. POLLOCK. I do not remember.

Mr. LITTLEFIELD. You will not swear that anything was said about putting it in the editorial column?

Mr. POLLOCK. No; I will not.

Mr. LITTLEFIELD. In any of the correspondence?

Mr. POLLOCK. No, sir.

Mr. LITTLEFIELD. Is not this all that you are prepared to swear; that whether it was plate matter or printed matter or typewritten matter, it was sent to you to insert in your paper as advertising matter, to be paid for at advertising rates. Is not that all you are prepared to say?

Mr. POLLOCK. I do not know that I am prepared to say that it was just that way. I do not know whether they proposed to pay for support or to pay for advertising.

Mr. LITTLEFIELD. Was there anything said in this letter to the effect that they were buying your support, or was it simply a request to insert the plate matter and the other matter that was forwarded to you?

Mr. POLLOCK. I do not remember.

Mr. LITTLEFIELD. You are not prepared to swear that there was anything in any letter about purchasing the support of your paper, or anything in the letter other than a request to insert these advertisements?

Mr. POLLOCK. I am not prepared to say that; and yet I took them as attempts to buy the support of the Teller—all of them that came. I had given them in very strong terms to understand that I would not give them support, right from the first.

Mr. LITTLEFIELD. You are not prepared to testify that they asked for editorial space, or that they asked for support. All you do say is that because they continued to send you advertising matter, you construed that to be an effort to get the support of your paper. Is not that what it amounts to?

Mr. POLLOCK. That will do.

Mr. LITTLEFIELD. To be perfectly frank about it?

Mr. POLLOCK. That will do.

Mr. LITTLEFIELD. You felt that after you had indicated to them that you were against the Senator, it was not proper for them to continue to make an effort to advertise in your paper and pay you for inserting advertising material?

Mr. POLLOCK. Yes; that will do.

Mr. LITTLEFIELD. Is not that all that this charge of corruption and bribery means? Is not that what it comes down to? To be perfectly frank and candid about, is not that true?

Mr. POLLOCK. That is asking me to decide whether it is corruption or not.

Mr. LITTLEFIELD. You are a pretty decent, straightforward gentleman; and I am giving you an opportunity to say whether that in substance is not all that there is to it. You felt that the fact that they continued to send you this material to be used for advertising material, which you expected to be paid for, was an improper way to undertake to get the support of your paper.

Mr. POLLOCK. That is fair enough. That is the way I thought about it.

Mr. LITTLEFIELD. I have stated it substantially as you understand it?

Mr. POLLOCK. Yes.

Mr. LITTLEFIELD. That is the way you felt about it?

Mr. POLLOCK. Yes.

Mr. LITTLEFIELD. Did you communicate these facts that you have just given to us to the Hon. John J. Blaine? Did you talk it over with him in the same way and give him to understand what you have given us here to understand?

Mr. POLLOCK. No, sir. All that he understood he got through my paper.

Mr. LITTLEFIELD. You do not mean to say that you did not talk with him?

Mr. POLLOCK. I do not remember of having talked about that with him at all.

Mr. LITTLEFIELD. I wish you would refresh your recollection about that, so as to be careful.

Mr. POLLOCK. I can not recall that I ever talked about that matter with him at all. Whatever he got, he got from the paper.

Mr. LITTLEFIELD. Did you not talk with him after he made his charges?

Mr. POLLOCK. I think not.

Mr. LITTLEFIELD. Are you quite certain?

Mr. POLLOCK. I am pretty sure.

Mr. LITTLEFIELD. You feel confident that you did not? The reason why I ask you that question is because of what Senator Blaine said in his testimony before the investigation committee. You know him, of course?

Mr. POLLOCK. Oh, I know him well; yes, sir.

Mr. LITTLEFIELD. I want to see whether your recollection agrees with his. Senator Blaine says in his examination before the joint committee as follows, on page 444:

Q. Since that information have you obtained further information?—A. No further than that Mr. Pollock confirmed what he said in his editorial.

Q. You have simply talked with him?—A. Asked him; yes, sir.

I suppose, after having heard that read, it refreshes your recollection so that you are able to testify that you did talk this over with Mr. Blaine?

Mr. POLLOCK. I do not quite see that that shows that he and I talked outside.

Mr. LITTLEFIELD. I have given you the reason why I asked you the question. Is it still your recollection that you did not talk it over with Mr. Blaine?

Mr. POLLOCK. I have no recollection of talking that matter over with him at all.

Mr. LITTLEFIELD. If you did talk it over with Mr. Blaine, I presume you gave him in the last analysis the substance of what you have here given us?

Mr. POLLOCK. I may have given him a good deal more at that time, because it was all fresh in my mind.

Mr. LITTLEFIELD. You never have undertaken to put any construction upon this attempted business transaction between yourself and the Stephenson managers other than that to which I have just called your attention, have you?

Mr. POLLOCK. No, sir.

Mr. LITTLEFIELD. Do you think there is any probability of your finding this plate matter?

Mr. POLLOCK. No, indeed; I do not.

Mr. LITTLEFIELD. What do you do with it? Do you throw it in the wastebasket when you do not use it?

Mr. POLLOCK. We send it back to the men who make the plates, and let them make it over.

Mr. LITTLEFIELD. You do not return it to the people who forward it to you?

Mr. POLLOCK. No, sir.

Mr. LITTLEFIELD. You simply send it to the people who get up that sort of material?

Mr. POLLOCK. Yes.

Mr. LITTLEFIELD. So that, in accordance with your custom, I suppose that plate matter has gone back long ago?

Mr. POLLOCK. Oh, it must have gone.

Mr. LITTLEFIELD. Did you ever talk this over with your son, with reference to whether or not this correspondence had been preserved?

Mr. POLLOCK. No; I have not, and it is not.

Mr. LITTLEFIELD. Of course, you keep letter files?

Mr. POLLOCK. A good many; yes.

Mr. LITTLEFIELD. Did you keep any copies of the letters that you wrote in to the Stephenson headquarters after you received this circular with reference to the nomination papers?

Mr. POLLOCK. I do not think I sent them any after the one I sent them when they asked me to circulate the nomination papers. I doubt whether I wrote them after that.

Mr. LITTLEFIELD. You do not think you wrote them after that?

Mr. POLLOCK. I do not think so.

Mr. LITTLEFIELD. I got the impression from what you said that you thought you had written them other letters than that.

Mr. POLLOCK. I hardly think so.

Mr. LITTLEFIELD. Do you keep letterpress or carbon copies of your correspondence?

Mr. POLLOCK. Some.

Mr. LITTLEFIELD. Is this the kind of correspondence of which you were in the habit of keeping carbon copies?

Mr. POLLOCK. No, sir.

Mr. LITTLEFIELD. You did not consider it of enough importance to preserve a carbon copy of it?

Mr. POLLOCK. No; I did not—well, I just told you I did not think I wrote them except that one answer.

Mr. LITTLEFIELD. You wrote them one letter?

Mr. POLLOCK. Yes.

The CHAIRMAN. We have run some time past the usual hour for adjournment; and I will inquire, Mr. Littlefield, if you can finish with this witness to-night?

Mr. LITTLEFIELD. No. He is to make a careful search for everything that he can find, and I think he ought to go further. I think he ought to confer with his son in relation to the matter, as he seems to have been the man on deck.

The CHAIRMAN. He has been instructed to bring before the committee certain papers at a certain time. I do not want to curtail your examination at all. We can sit a little longer if you desire to finish it. My inquiry is simply whether you can finish it to-night?

Mr. LITTLEFIELD. I have substantially finished the examination. If he comes in later I may have a few more questions to ask.

The CHAIRMAN. Then you will be excused, Mr. Pollock; and you will comply with the instructions of the committee.

Mr. POLLOCK. You want the letters that I wrote?

The CHAIRMAN. Yes; the letters that you wrote to them and that they wrote to you.

Mr. POLLOCK. I think I wrote only one.

The CHAIRMAN. We want to put in the record the things you have, and you will be furnished with a copy of them. We want a file of your paper covering the months of July, August, and September, 1908. It will be returned to you.

Mr. POLLOCK. I think I have copies of the paper with reference to the Stephenson matter in the city now.

The CHAIRMAN. Then you can produce those, and testify that they are the only papers that did contain the reference, and that will be sufficient, if you can not bring the file of your paper.

Mr. POLLOCK. I could not testify they were the only ones.

The CHAIRMAN. You will bring in any and all letters or copies of letters that you received from any person, according to the allegations in this charge, requesting that you publish matter favorable to Senator Stephenson, or any matter regarding Senator Stephenson, and any written or printed circulars or plate matter, if you have retained them. Bring in also copy of any kind that you had to be printed. This is a very serious charge, and must be met in a very responsible way.

Mr. LITTLEFIELD. I have just one or two more questions that I should like to ask Mr. Pollock. Did you publish advertisements in the interest of any other candidate during that campaign?

Mr. POLLOCK. I do not think so.

Mr. LITTLEFIELD. Is it your recollection that you did not? You need not speculate on that.

Mr. POLLOCK. I do not think I did.

Mr. LITTLEFIELD. Have you separate files, so that you can bring a file of your paper down here? You keep a file of your paper in your office?

Mr. POLLOCK. Yes.

Mr. LITTLEFIELD. You can bring that file down here and take it back. There will not be any need of leaving it here.

The CHAIRMAN. And bring, of course, any replies that you made.

Mr. POLLOCK. They would not be in the paper.

Mr. LITTLEFIELD. And if you have any carbon copies of any letters, bring them. You do not have any letterpress book?

Mr. POLLOCK. No. I have a letterpress book, but I do not use it.

(Whereupon, at 4 o'clock and 40 minutes p. m., the subcommittee adjourned until Tuesday, October 17, 1911, at 10 o'clock a. m.)

TUESDAY, OCTOBER 17, 1911.

FEDERAL BUILDING,
Milwaukee, Wis.

The subcommittee met at 10 o'clock a. m.

Present: Senators Heyburn (chairman) and Pomerene.

Present also: Mr. C. E. Littlefield, Mr. W. E. Black, and Mr. H. H. J. Upham, counsel for Senator Isaac Stephenson.

The names of R. J. Shields, C. E. Brady, George E. Dee, L. E. McGill, Grant L. Minor, Richard White, Leo F. Kilpinski, H. R. Pestalozzi, Walter Alexander, L. S. Patrick, Thomas M. Purtell, Thomas Morris, and Paul O. Hustung were called.

Mr. Brady, Mr. McGill, Mr. Minor, Mr. White, Mr. Kilpinski, Mr. Pestalozzi, Mr. Patrick, Mr. Purtell, Mr. Morris, and Mr. Hustung responded to their names, and the oath was administered to them by the chairman.

TESTIMONY OF LESTER TILTON.

LESTER TILTON, having been heretofore duly sworn, was examined and testified as follows:

The CHAIRMAN. Where do you reside?

Mr. TILTON. My home is in Chicago.

The CHAIRMAN. At what address in Chicago?

Mr. TILTON. I live at 7329 Madison Avenue, Chicago. I am now at some work in this State, and I am up here boarding only.

The CHAIRMAN. Where did you reside during the year 1908?

Mr. TILTON. At Neillsville, Wis.

The CHAIRMAN. Were you at that time a citizen of the State of Wisconsin and a voter?

Mr. TILTON. I was.

The CHAIRMAN. Did you take any part in the campaign of Senator Stephenson for the United States Senate?

Mr. TILTON. I did not.

The CHAIRMAN. Did you receive any money from Isaac Stephenson or from his campaign committee, or any person on his behalf, to be used in his interest in that campaign?

Mr. TILTON. I did not.

The CHAIRMAN. John J. Blaine, a State senator from the sixteenth district of Wisconsin, on January 26, 1909, filed with the legislature of this State charges attacking the integrity of the election of Senator Stephenson as United States Senator. In those charges, as the eleventh in number, he says as follows:

11. That said Isaac Stephenson did, prior to such primary, by and through his agents, promise and agree to pay to one Lester Tilton, a then resident and elector of this State, and residing at the city of Neillsville, Wis., a sum in excess of \$500 to procure or aid in procuring the nomination of said Lester Tilton to the assembly of this State from Clark County, and did offer to give to said Lester Tilton a sum in excess of \$500 if said Lester Tilton would become a candidate for the assembly from said Clark County if said Lester Tilton would support said Isaac Stephenson for the office of United States Senator.

Is that true in part or in whole?

Mr. TILTON. It is not true, any part of it.

The CHAIRMAN. Did anyone make you any promise of any money to assist you in being nominated or elected as a member of the legislature in the interest of Senator Stephenson?

Mr. TILTON. No, sir.

The CHAIRMAN. Were you a candidate for the nomination?

Mr. TILTON. I was not.

The CHAIRMAN. Did anyone talk to you about being a candidate in the interest of Senator Stephenson?

Mr. TILTON. They did talk to me about being a candidate. I do not know that they especially talked about Senator Stephenson, though they did about him and about others—but not especially about Senator Stephenson.

The CHAIRMAN. Did anyone offer to contribute anything to you toward securing your nomination or election as a member of the legislature?

Mr. TILTON. They did not offer anything. There was some talk, but I can not answer your question directly in that way.

The CHAIRMAN. Answer it as you can.

Mr. TILTON. I will state it in my own way.

The CHAIRMAN. Yes; do so.

Mr. TILTON. Mr. M. C. Ring and myself lived on the same street in Neillsville. We talked, I think, some two or three different times about a Mr. Bradford, who had run for the assembly and who was then running for the assembly. He was not very friendly to Mr. Bradford, and wanted me to run for the assembly.

Mr. LITTLEFIELD. That is, Mr. Ring was not friendly to Mr. Bradford?

Mr. TILTON. Yes.

Senator POMERENE. What is Mr. Bradford's full name?

Mr. TILTON. C. M. Bradford, I believe it is. He wanted to know if I would not run for the assembly against Mr. Bradford, because if I would he would see what could be done. I answered him in this way, that I did not care to run for the assembly, and if I did I would run paying my own expenses. I think we talked two or three different times, perhaps, about that; but that was the sum and substance of what was said.

Senator POMERENE. When was this talk with Mr. Ring?

Mr. TILTON. I think it was about the time Mr. Bradford first announced his candidacy. I did not keep the date, and I was not paying much attention to it.

Senator POMERENE. You testified in substance, if I remember your language correctly, that you said to Ring that you did not care to run?

Mr. TILTON. Yes, sir.

Senator POMERENE. But that if you did, you would run and pay your own expenses?

Mr. TILTON. Yes, sir.

Senator POMERENE. What suggested that remark on your part?

Mr. TILTON. The only thing that suggested it was, he said that if I would run and get out and help him, he would see what aid could be had. I said if I ran for the office I would do my own running.

Senator POMERENE. Was he friendly to any particular candidate for the United States Senate at that time?

Mr. TILTON. I presume Mr. Ring was known there as a stalwart, and I think I was known the same way; and we talked at different times about political matters, perhaps. I do not think there was anything except his anxiety to beat Mr. Bradford.

Senator POMERENE. There seems from the testimony to have been a period of transition from stalwarts to half-breeds at this time.

Mr. TILTON. Yes, sir.

Senator POMERENE. Whom was he favoring at that particular time for the Senate? Was he favorable to Senator Stephenson?

Mr. TILTON. I could not be positive of that at this time.

Senator POMERENE. Did he favor Senator Stephenson later?

Mr. TILTON. I think he did.

Senator POMERENE. Where did you understand he was going to get the aid for your candidacy if you should decide to be a candidate?

Mr. LITTLEFIELD. Just a moment: If the Senator please, ought not that to be confined to conversation? It is a little bit broad.

Senator POMERENE. I understand, but it is rather in the nature of a cross-examination. I will put the other question: Was anything further said than what you have given us?

Mr. TILTON. I can not remember at this time just what was said; but I think he said during our talk at some time that he would see what help could be had, but did not say where in particular—that he would see.

Senator POMERENE. What did you understand by “getting help”—or was there anything said?

Mr. TILTON. I understood this: That he was anxious to beat Mr. Bradford out for the election.

Senator POMERENE. Yes.

Mr. TILTON. He seemed to be very anxious.

Senator POMERENE. And he promised to get you whatever assistance he could?

Mr. TILTON. Yes, sir.

Senator POMERENE. Is that the idea?

Mr. TILTON. Yes, sir.

Senator POMERENE. Was there anything more explicit than that said?

Mr. TILTON. Not that I can remember at this time.

Senator POMERENE. Did you handle any campaign funds during this primary?

Mr. TILTON. I did not.

Senator POMERENE. Neither for Senator Stephenson nor for anyone else?

Mr. TILTON. I did not for anyone.

Senator POMERENE. Nor for any of his managers or assistant managers?

Mr. TILTON. No, sir. I did not take any part in any way, as far as handling any money was concerned.

Senator POMERENE. Did you have any talk with anyone else than Mr. Ring on the subject of your being a candidate for the assembly?

Mr. TILTON. Not that I remember especially. There was not much talk about it—just a day or two. He tried to urge me to run, and I did not care to run, and I did not carry it any farther.

Senator POMERENE. I think that is all I care to ask.

Mr. LITTLEFIELD. I have nothing. That is all.

(Mr. Tilton then left the witness stand, but was recalled in a few moments and further testified as follows:)

Senator POMERENE. Mr. Tilton, there is another matter here that I desire to inquire about. You had a further talk with Mr. Ring on the subject of your working for Senator Stephenson, did you not?

Mr. TILTON. I do not know whether I did or not. I think there was some further talk, though.

Senator POMERENE. You were inquired of about this at the time of the investigation by the joint committee, were you not?

Mr. TILTON. I do not remember that. There was some inquiry there. I do not remember that at the present time.

Senator POMERENE. Did you write to Mr. Aylward on this subject under date of January 21, 1909?

Mr. TILTON. I think I wrote Mr. Aylward a letter. I am not sure of the date.

Mr. LITTLEFIELD. What date does the Senator have?

Senator POMERENE. January 21, 1909, from Neillsville. This is the letter; is it not [exhibiting paper to witness]?

Mr. TILTON. Yes, sir.

Senator POMERENE. You remember writing it?

Mr. TILTON. Yes, sir; I think so.

Senator POMERENE (reading):

J. A. ALWARD, *Madison, Wis.*

DEAR FRIEND: As I talked to you this evening over the phone I do not like to get mixed in any public matter of this kind but as I said to you I will write you the facts. A party came to me and wanted me to try for the nomination in the primary for assembly. He farther stated that if I would try with the understanding that I would support Stephenson and the liquor interests I could depend on several hundred dollars for campaign expenses. Hoping this will not be used farther than is a necessity,

I am, yours, respectfully,

LESTER TILTON.

The CHAIRMAN. It is "used any farther than is a necessity" in the record of the joint investigating committee.

Senator POMERENE. It is "used farther" in the original.

The CHAIRMAN. I call attention, then, to a discrepancy between the letter and the record. The word "any" is in the record at page 2771 of the record of the joint investigating committee.

Senator POMERENE. Who was this party to whom you referred in the letter?

Mr. TILTON. I think I referred there to Mr. Ring.

Senator POMERENE. Does that refresh your mind as to any further conversation you had with Mr. Ring at or about this time?

Mr. TILTON. I think he wanted me to go out and work—I do not know whether it was at this time or a later time—for Mr. Stephenson; but—

Senator POMERENE. Are you speaking of the time of the conversation? This letter is dated January 21.

Mr. TILTON. Yes; I know that.

Senator POMERENE. When was your conversation with Mr. Ring, to which you refer in this letter?

Mr. TILTON. I could not say. We talked at different times.

Senator POMERENE. About when?

Mr. TILTON. We lived on the same street. That is too long ago. I could not say.

Senator POMERENE. Were those conversations before or after the primary?

Mr. TILTON. Before the primary, I think.

Senator POMERENE. Did he not ask you at that time to support Senator Stephenson?

Mr. TILTON. Some time during the campaign he did ask me, I think, if I would work for Stephenson.

Senator POMERENE. What did he say to you on that subject?

Mr. TILTON. I do not believe I could state that, at this time.

Senator POMERENE. He offered to pay you for your services, including those expenses?

Mr. TILTON. I think he offered to pay services or something of that kind. I could not say.

Senator POMERENE. What else did he say?

Mr. LITTLEFIELD. Was this at a conversation subsequent to the one first inquired about?

Senator POMERENE. He has not fixed the date. Can you fix the date, Mr. Tilton?

Mr. TILTON. I do not think I could, now.

Senator POMERENE. Was this subsequent to the conversation which you had with Mr. Ring in which he tried to persuade you to become a candidate against Mr. Bradford?

Mr. TILTON. Yes, I think it was at a later time.

Senator POMERENE. How much later?

Mr. TILTON. I could not state that, Senator. It is too long ago for me to remember.

Senator POMERENE. In referring to this conversation, did you not testify before the joint investigating committee as follows:

He [meaning Ring] wanted I should get out and work for Stephenson, either whether I run for the assembly or otherwise; and he said some money could be had for my work, if I would do that; but as far as paying expenses of my campaign, there was no such offer.

Is that correct?

Mr. TILTON. I think so.

Senator POMERENE. Again, did you not say before that investigating committee:

A. At the time Mr. Ring talked to me he wanted me to go out and work for Stephenson, whether I ran for the assembly or not; and if I had a mind to work for Stephenson he said the expenses of that work could be paid; but I didn't go out and work, and there

was nothing further. He said he thought they could. I think at the time he first talked to me he hadn't as yet, from his conversation at that time, I didn't take it he had as yet any arrangement with Stephenson.

Did you testify to that?

Mr. TILTON. I presume I did. I do not remember exactly.

Senator POMERENE. Did you testify as follows, in response to a question:

Q. He told you there was money to be had?—A. He said if I would go out and work for Stephenson he was going to Milwaukee, and he would see what could be done.

Did you so testify?

Mr. TILTON. I think so.

Senator POMERENE. And further:

Q. What did you mean by testifying a few moments ago that Mr. Ring made no mention of money whatever?—A. You asked me that question in connection with my running for the nomination. He didn't offer me any money to run for the nomination.

Q. You just now testified that you were to receive money whether you ran or not?—A. This was not in regard to my nomination. He asked me to work for Stephenson.

Q. Whether you ran or not, didn't he say?—A. I don't know whether he said that. He asked me to go out and work for Stephenson. Not with the presumption I was running, necessarily.

You did so testify?

Mr. TILTON. I presume so.

Senator POMERENE. Just to give all the testimony on this subject, did you not further testify in answer to questions, as follows:

Q. Didn't you testify a moment ago he told you if you would go out and work for Stephenson, whether you were a candidate or not, there was Stephenson money to be had, or money to be had?—A. No, I said that he told—I don't think he stated whether I ran for the assembly or not. If I so testified, I didn't mean to do that.

Q. Will you tell us exactly what you did mean and what he did say?—A. He wanted to know at the time he talked to me if I would go out and work for Stephenson; and I didn't support Stephenson, and I told him that I didn't care to do it. He said if I would go out and work for Stephenson that some money could be had for doing so.

Q. Did he tell you how much?—A. No, sir, he did not.

Q. Did he tell you five hundred or a thousand or fifteen hundred?—A. No, sir; he did not.

Q. Was that the first time that he had the conversation with you that he told you about money?—A. I couldn't state whether it was or not. It was only a matter of a day or two that we were talking at any time; but it was during that time; whether the first time or later, I couldn't say.

You so testified, did you?

Mr. TILTON. I presume I did.

Senator POMERENE. Further, in answer to Senator Husting, on page 2775, were you not asked these questions, and did you not make the following answer:

Q. And did you write him the truth—

That is, referring to Mr. Aylward, I suppose—

or did you write him something that was untrue?—A. I wrote him that they had been using money; or, it was my intention. I maybe wrote that letter stronger than I ought to have done. They didn't make me any specific offer of any money.

Q. But you wrote him here, upon deliberation, and knowing what it was intended for, that they told you you could depend on several hundred dollars for campaign expenses. Do you want to back up on that, or do you want to stand by what you wrote Mr. Aylward?—A. I think maybe I wrote that strong; anyhow, it was a fact that they didn't offer me money for campaign expenses, and I don't think I meant for him to understand in that letter that they did?

Did you so testify?

Mr. TILTON. I presume I did. I do not remember exactly.

Senator POMERENE. What is your recollection now about this offer of money?

Mr. TILTON. They did not offer me any money for campaign expenses, I am quite sure.

Senator POMERENE. I think that is all.

Mr. LITTLEFIELD. Right here, if the Senator pleases, the Senator has been calling attention to the previous examination, and there is a part of the previous examination which has been omitted and which, I think, in fairness should go in, perhaps at this place.

Senator POMERENE. If there is anything you desire to have appear in the record, let it go in in this connection.

Mr. LITTLEFIELD. I will read it right here, if I may.

Senator POMERENE. Certainly.

Mr. LITTLEFIELD. It is on page 2774. [Reading:]

Q. What did he say about the liquor interests?—A. He said he thought some money could be had from the liquor interests if a fellow would come out and support that.

Senator POMERENE. That is just following what I called his attention to?

Mr. LITTLEFIELD. It is between the extracts that you read. You read on page 2773 and then you read again, later, on page 2775.

The CHAIRMAN. That refers to the conversation with Mr. Ring?

Mr. LITTLEFIELD. Yes; as a part of it.

The CHAIRMAN. The other was with Mr. Aylward?

Mr. LITTLEFIELD. No.

The CHAIRMAN. That is, the letters following it?

Mr. LITTLEFIELD. Yes; the letter was with Aylward, but this is all in the testimony of the witness given at that time, and I think, in fairness to Mr. Ring and the witness, this also should go in.

The CHAIRMAN. Yes, I think so.

Mr. LITTLEFIELD. Showing that there was another subject matter.

Senator POMERENE. Very well.

Mr. LITTLEFIELD (reading):

Q. What did he say about the liquor interests?

I am asking this, Mr. Tilton, to see whether or not this was your testimony; also:

A. He said he thought some money could be had from the liquor interests if a fellow would come out and support that.

Mr. HAMBRECHT. Support what?

A. Talk the liquor interests.

By Senator HUSTING:

Q. And support Stephenson?—A. No, not support Stephenson, but the liquor interests.

Q. And Stephenson had some money if you would come out and support Stephenson?—A. If I would come out and work for Stephenson, he said he thought—he didn't say positively; he said he thought it could be had.

Was that, in substance, your testimony, as you remember it?

Mr. TILTON. I think so.

Mr. LITTLEFIELD. That is simply showing there was another subject matter that they were discussing.

The CHAIRMAN. Whom did you support for the United States Senate?

Mr. TILTON. I think I supported Mr. Brown.

The CHAIRMAN. You supported the Democratic ticket, did you not?

Mr. TILTON. Yes.

The CHAIRMAN. So that you did not support Senator Stephenson, at all, at any time?

Mr. TILTON. No, sir; not at any time.

The CHAIRMAN. And whatever conversation was had between you and Mr. Ring, or between you and Mr. Aylward, or whatever correspondence was had, did not result in your agreeing to support Stephenson?

Mr. TILTON. It did not.

Senator POMERENE. Were you a Democrat at that time?

Mr. TILTON. I had been a Republican, and am practically still a Republican; but not a "half-breed."

The CHAIRMAN. When they approached you, then, did they approach you as one to be converted from Democracy to Republicanism?

Mr. TILTON. No, sir.

The CHAIRMAN. They approached you as a Republican, did they?

Mr. TILTON. I was supposed to be what they called a Stalwart up there.

The CHAIRMAN. In other words, you were supposed to be a Republican?

Mr. TILTON. Yes, sir.

The CHAIRMAN. The witness is with you, Mr. Littlefield.

Mr. LITTLEFIELD. We have no questions.

(Thomas Reynolds was called, and responded.)

The CHAIRMAN. Mr. Reynolds, you will not be called to the stand just now. You have been called each day, and have not answered heretofore. You will remain in attendance, please. You have been heretofore sworn.

TESTIMONY OF ROBERT S. COWIE.

ROBERT S. COWIE, having been previously sworn, was examined and testified as follows:

The CHAIRMAN. Where do you reside?

Mr. COWIE. Whitehall, Wis.

The CHAIRMAN. What is your full name?

Mr. COWIE. R. S. Cowie.

The CHAIRMAN. What does the "R." stand for?

Mr. COWIE. Robert.

The CHAIRMAN. How long have you resided at Whitehall?

Mr. COWIE. About 10 or 12 years.

The CHAIRMAN. Did you receive any money for supporting Senator Stephenson as a candidate for the United States Senate before the primary or at any time?

Mr. COWIE. No, sir; not for supporting him.

The CHAIRMAN. Did you receive any money from Senator Stephenson or from those who were supporting him at any time?

Mr. COWIE. Yes, sir.

The CHAIRMAN. How much?

Mr. COWIE. \$150.

The CHAIRMAN. When did you receive it?

Mr. COWIE. It was the latter part of July or early in August. I can not remember.

The CHAIRMAN. Of what year?

Mr. COWIE. Of the year that Senator Stephenson—1909, I think it was.

The CHAIRMAN. Was it 1908?

Mr. COWIE. 1908, I guess.

The CHAIRMAN. Was that money compensation for services to be performed by you?

Mr. COWIE. No; it was not.

The CHAIRMAN. It was to be disbursed or paid out by you, was it?

Mr. COWIE. No; it was to reimburse me for expenses.

The CHAIRMAN. What kind of expenses?

Mr. COWIE. Traveling around, looking up the situation for Mr. Edmonds and Mr. Stephenson.

The CHAIRMAN. It was compensation paid to you for that purpose?

Mr. COWIE. Yes; to that extent.

The CHAIRMAN. Whom were you supporting for the United States Senate?

Mr. COWIE. Senator Stephenson.

The CHAIRMAN. Were you in favor of and supporting Senator Stephenson before you entered upon this service?

Mr. COWIE. Yes, sir. I had written to Senator Stephenson prior to that encouraging him to enter the race for the Senatorship, and offering him my support.

The CHAIRMAN. You were manager of this campaign in Trempealeau County?

Mr. COWIE. I think that is a mistake, Mr. Chairman.

The CHAIRMAN. I find it in the testimony before the committee.

Mr. COWIE. Will you permit me to explain.

The CHAIRMAN. Yes; explain it.

Mr. COWIE. The understanding I had with Mr. Edmonds when I was called to Milwaukee was that I was merely to go into the counties of Buffalo and Jackson and my own county, to travel around and ascertain the sentiment and furnish him with information upon which he could organize those three counties. I told him that I was occupying an office in which I did not think it would be quite proper for me to act as a campaign manager; but I could advise with him.

The CHAIRMAN. What office did you occupy?

Mr. COWIE. The office of county judge of Trempealeau County. For that reason I did not engage in trying to change the minds of any voters or in endeavoring to get voters out to the polls. I merely furnished him with the names of leading men in different sections of these three counties and newspaper men, and giving the statement of their leaning to Senator Stephenson and the other candidates.

The CHAIRMAN. You had been elected judge, had you?

Mr. COWIE. Yes; prior to that.

The CHAIRMAN. What was the length of your term?

Mr. COWIE. It was a four-year term.

The CHAIRMAN. When did it terminate?

Mr. COWIE. It terminated about two years ago. I resigned from the position to go on the State board of control.

The CHAIRMAN. Are you now a member of that board?

Mr. COWIE. No; I am not.

The CHAIRMAN. Have you held other offices in this State than those you have mentioned?

Mr. COWIE. Yes, sir.

The CHAIRMAN. What offices have you held?

Mr. COWIE. I held the office of district attorney of Trempealeau County for five years.

The CHAIRMAN. Have you been a member of either house of the legislature?

Mr. COWIE. No, sir.

The CHAIRMAN. Did you pay out any of this sum of money to others to work for Senator Stephenson?

Mr. COWIE. I think I paid out a dollar and a half of it.

The CHAIRMAN. That was all?

Mr. COWIE. Yes.

The CHAIRMAN. The rest of it you took for your compensation?

Mr. COWIE. For my expenses. I think I had a deficit, but I never reported it.

Mr. LITTLEFIELD. You mean a deficit on expenses?

Mr. COWIE. Yes.

The CHAIRMAN. You testified in regard to money from Senator Stephenson and your activity in the assembly fight. Tell us about that.

Mr. COWIE. My activity in the assembly fight did not begin in the primary at all. I avoided it. I saw the impropriety of working for Senator Stephenson and also for a factional candidate for nomination as a member of the assembly. I avoided it as much as I could. I did, to a certain extent, talk with Mr. Twesme, and the man whom I favored, but it went no further than consulting with him. He came to me and talked to me about certain sections of the county, and I advised him, as I would have done his opponent; but I avoided taking any active part in the primary. After the primary I took a very active part in the joint election.

The CHAIRMAN. In whose behalf?

Mr. COWIE. In behalf of the Republican ticket.

The CHAIRMAN. Altogether?

Mr. COWIE. Altogether.

The CHAIRMAN. You did not direct your energies, especially in the direction of the assembly candidate, in the interest of anyone?

Mr. COWIE. I think perhaps I had better qualify that to say that I did. I did work a little extra for the assembly candidate. I made some campaign speeches.

Mr. LITTLEFIELD. You mean on the Republican ticket?

Mr. COWIE. Yes.

Mr. LITTLEFIELD. That is, the regular nominee?

Mr. COWIE. Yes; Gov. Davidson was in the county, and I accompanied him over the county and made some speeches.

The CHAIRMAN. Senator Stephenson was then the nominee of the party for the United States Senate, was he not?

Mr. COWIE. Yes, sir.

The CHAIRMAN. And as such you felt, being a Republican, that it was your duty to support him?

Mr. COWIE. Exactly.

The CHAIRMAN. You did no more than that?

Mr. COWIE. That is all.

The CHAIRMAN. Do you desire to ask any questions, Senator?

Senator POMERENE. No.

The CHAIRMAN. The witness is with you, Mr. Littlefield.

Mr. LITTLEFIELD. I have no questions except this: As I understand, Judge, your disbursement covered the whole amount of the \$150 in your traveling about?

Mr. COWIE. Yes; and more, I should say.

Mr. LITTLEFIELD. Nothing was retained from the \$150 on account of any services?

Mr. COWIE. Not a cent.

Mr. LITTLEFIELD. I will ask you the formal question, Judge, and I hope you will not feel offended at my doing so: Was any of this money that was expended by you expended directly or indirectly for the purpose of bribing or corruptly influencing any electors in the primary election in the interest of Senator Stephenson?

Mr. COWIE. No, sir.

Mr. LITTLEFIELD. Did any of the gentlemen with whom you had conferences, and who may have become active as a result of your investigation or activities, to your knowledge, directly or indirectly spend any money or use any influence in bribing or corruptly influencing electors in that primary election in the interests of Senator Stephenson?

Mr. COWIE. No, sir; as far as my own activities were concerned, if you will allow me to state them, I never approached a man in the primary campaign unless I knew in advance that he was a friend of Senator Stephenson.

Mr. LITTLEFIELD. Did any bribing or corrupt purposes come to your knowledge during that campaign?

Mr. COWIE. No, sir; I do not know a man in Trempealeau County that I would dare to approach with a bribe.

Senator POMERENE. You spoke of this \$150 being used to compensate you for your expenditures. What was the nature of those expenditures?

Mr. COWIE. Hotel bills, railroad fare, livery hire, etc.

Senator POMERENE. Did you keep an account at that time?

Mr. COWIE. No, sir; I did not.

Senator POMERENE. Did you render any account to the committee?

Mr. COWIE. No.

Senator POMERENE. Or to any one of the managers?

Mr. COWIE. No, sir.

Senator POMERENE. Did they, at any time, call on you for an account?

Mr. COWIE. No, sir.

Senator POMERENE. With whom did you make your arrangement to get this \$150?

Mr. COWIE. With Mr. Edmonds.

Senator POMERENE. What was said between you?

Mr. COWIE. There was very little said direct. Mr. Edmonds asked me when I was in Milwaukee if I would not do this particular line of work, and I told him that I would, but I did not feel that I could afford to pay my own expenses traveling around. I told him that I would expect to be reimbursed for my expenses; and a couple of weeks afterwards he sent me this check for \$150. That is all the talk I ever had with him.

Mr. LITTLEFIELD. I suppose Judge Cowie would like to be excused finally, if it is agreeable to the committee. He is very anxious to get back to his business.

The CHAIRMAN. He may be excused.

TESTIMONY OF SPENCER M. MARSH.

SPENCER M. MARSH, having been previously sworn, was examined and testified as follows:

The CHAIRMAN. Mr. Marsh, what position do you hold in the State of Wisconsin?

Mr. MARSH. That of a private citizen.

The CHAIRMAN. You are not in any office just now?

Mr. MARSH. No, sir.

The CHAIRMAN. You were a member of the State senate in 1909, were you?

Mr. MARSH. I was; yes.

The CHAIRMAN. Were you elected in 1908?

Mr. MARSH. Let me see. The term was four years.

The CHAIRMAN. Were you on the first half or the second half of your term?

Mr. MARSH. I was on the second half of my term.

The CHAIRMAN. Then you were elected in 1906?

Mr. MARSH. About 1906; yes.

The CHAIRMAN. You took an active part in the campaign of 1908, did you not?

Mr. MARSH. Yes; quite active, in some ways.

The CHAIRMAN. You made campaign speeches at various places?

Mr. MARSH. A very few; yes, sir.

The CHAIRMAN. During the session of the legislature in January, 1909, you participated in the proceedings for the election of a United States Senator, did you?

Mr. MARSH. I did.

The CHAIRMAN. For whom did you vote in the senate, in separate session?

Mr. MARSH. In the general assembly, that is?

The CHAIRMAN. Yes.

Mr. MARSH. I voted for various people.

The CHAIRMAN. You first had ballots in the senate, did you not? You were a member of the senate?

Mr. MARSH. Yes.

The CHAIRMAN. You balloted separately in the two houses, did you not?

Mr. MARSH. At first, yes.

The CHAIRMAN. For whom did you vote on that ballot?

Mr. MARSH. My recollection is that I did not vote for anybody.

The CHAIRMAN. How did you answer when your name was called on the roll call in the senate?

Mr. MARSH. I think I simply answered present.

The CHAIRMAN. So that you did not participate in the election of a Senator in the senate?

Mr. MARSH. No, sir.

The CHAIRMAN. But you did in the joint assembly, in March?

Mr. MARSH. Yes, sir; I voted for various people.

The CHAIRMAN. That is, in the joint assembly?

Mr. MARSH. Yes, sir; in the joint assembly.

The CHAIRMAN. But I was directing your attention, first, to the proceedings in separate session.

Mr. MARSH. Yes.

The CHAIRMAN. Do you know how the vote stood in the senate in the separate session?

Mr. MARSH. I can not recollect; no.

The CHAIRMAN. Of course you did not contribute anything to the election of Senator Stephenson at any time?

Mr. MARSH. No, sir.

The CHAIRMAN. You supported Mr. Hatton, I suppose?

Mr. MARSH. At the primary?

The CHAIRMAN. Yes.

Mr. MARSH. Yes, sir.

The CHAIRMAN. You appeared before the investigation committee of the two houses, did you not—the joint committee—at the time of the investigation of the election of Senator Stephenson?

Mr. LITTLEFIELD. Does your honor mean as a witness?

Mr. MARSH. Not as a witness. I was a member of the committee.

The CHAIRMAN. The joint committee?

Mr. MARSH. Yes, sir.

The CHAIRMAN. You were chairman of the senate committee, as I understand?

Mr. MARSH. Both of the joint committee and the senate committee; yes.

The CHAIRMAN. My attention is directed to the proceedings of that committee, Mr. Blaine's testimony, from page 391 to page 395, where it would appear that you were drawn into the controversy in reference to this matter with Senator Blaine. You recall the occurrences, do you?

Mr. MARSH. I do not recall it now; no.

The CHAIRMAN. In connection with your examination later, then, I propose to refresh your memory in regard to that matter. Give me Exhibit 391, Mr. Smith.

The SECRETARY. That exhibit is missing, Mr. Chairman.

The CHAIRMAN. I find in the record of the proceedings of the joint committee, at page 3671, Exhibit 391, which seems to be absent from the files of the State custodian, and which, therefore, we are unable to get. I call your attention to a letter signed S. M. Marsh, directed to James A. Stone, attorney, Reedsburg, Wis., and having noted upon it in lead pencil "not answered." Do you recall writing that letter or shall I refer to it in the book?

Mr. MARSH. I recall the letter.

The CHAIRMAN. Your attention was called to it at the examination before the joint committee, was it?

Mr. MARSH. I think so. I think the letter was offered in evidence; that is, the letter to Mr. Stone.

The CHAIRMAN. I am identifying it more particularly now in view of the fact that Mr. Stone has not yet been called, and that his letter will be used in connection with his testimony.

Mr. MARSH. Yes, sir.

The CHAIRMAN. You say this is an authentic letter, and you wrote it?

Mr. MARSH. Yes, sir.

The CHAIRMAN. That will be referred to as Exhibit 391 in connection with the testimony of this witness for identification hereafter.

Mr. LITTLEFIELD. Do you read it into the record now, Mr. Chairman?

The CHAIRMAN. Not now, but when Mr. Stone is on the stand.

Mr. LITTLEFIELD. I understand, Mr. Chairman, that this is one of the exhibits that is missing from the files?

The CHAIRMAN. It is missing from the files. Many of the Stone exhibits are missing from the files.

You were present, as a member of the joint committee, when John J. Blaine, the senator from the sixteenth district, filed the specific charges in this case, were you?

Mr. MARSH. I was.

The CHAIRMAN. You examined those charges?

Mr. MARSH. I do not know that I did at the time, but I think I did at different times after that.

The CHAIRMAN. You entered into an investigation for the purpose of determining whether or not those charges would be sustained by testimony, did you?

Mr. MARSH. I did.

The CHAIRMAN. Did you find that they were sustained?

Mr. LITTLEFIELD. I object.

The CHAIRMAN. No objection lies to any question by any member of the committee.

Mr. LITTLEFIELD. I submit, if the chairman please——

The CHAIRMAN. There is no use in pursuing it. That rule was established in the beginning, and it will be maintained to the end.

Mr. LITTLEFIELD. That may be proper, but may I state upon the record my reasons?

The CHAIRMAN. No. The objection is sufficient; but an objection does not lie. The committee may ask any question it sees fit to ask.

Mr. LITTLEFIELD. I concede that, and have from the beginning. But I have been advised by the subcommittee that it is proper for me to put upon the record the reason for the objection that I make.

The CHAIRMAN. Just the fact that you object; nothing more. The intention was to eliminate from this investigation the discussion of the admissibility of testimony. It will be eliminated.

Mr. LITTLEFIELD. I ask permission to enter upon the record my reason for the objection I make.

The CHAIRMAN. Counsel can enter it in a brief to be filed with the subcommittee, because it would not change the subcommittee's action on the question now.

Mr. LITTLEFIELD. I so understand; but I desire to have the record show that I ask that permission.

The CHAIRMAN. The record will show that. [To Mr. Marsh:] Now proceed with the matter.

Mr. MARSH. The formal findings of the committee, of course, will speak for themselves.

The CHAIRMAN. I desire to know your opinion as to whether or not those charges were sustained by the testimony that was given before you, either as a member of the joint committee or of the senate committee?

Mr. MARSH. My opinion was and is that some of them were sustained and some of them were not.

The CHAIRMAN. Which ones were sustained?

Mr. MARSH. I will have to see a copy of the charges.

The CHAIRMAN. They are found at pages 425-428 of the proceedings. When you have read the first charge, indicate it, and I will direct the question to that.

Mr. MARSH (after examining the record). I have just glanced over the first charge hurriedly; and my opinion is and was that the first charge was sustained.

The CHAIRMAN. By what testimony?

Mr. MARSH. By about 6,000 pages of it. I could not tell.

The CHAIRMAN. I want to know by the testimony of what witness or what document that charge was sustained, in order that we may test it.

Mr. MARSH. No one witness and no one document, but a dozen—scores.

The CHAIRMAN. Name them.

Mr. MARSH. That is asking a good deal of a person, after two or three years' time, and out of testimony covering 6,000 pages. In order to be at all definite or make a reliable answer I would have to go through the testimony. However, I can mention some things upon which our finding was based.

The CHAIRMAN. Confine it to the first charge, because I desire to take up the charges in such order as will separate them.

Mr. MARSH. In all of our examination we did not consider ourselves confined to the specifications set forth in the Blaine charges. We felt it our duty to investigate the whole campaign of Senator Stephenson, and determine whether the money had been expended corruptly for the purpose of influencing the voters. We did not confine ourselves, in the examination, to the Blaine charges.

The CHAIRMAN. But you found money had been expended corruptly, did you?

Mr. MARSH. We did.

The CHAIRMAN. What money was expended corruptly by Senator Stephenson or his agents in that campaign?

Mr. MARSH. In my judgment, over half of it was spent corruptly.

The CHAIRMAN. Speak by items rather than by quantity.

Mr. MARSH. Wherever money was spent for the purpose of influencing voters, and where the money resulted in the influencing of voters so that they voted differently from the way they would have voted if the money had not been spent, I considered it spent corruptly. For instance, I have in mind the payment of money to an editor by the name of George Dee, at Chippewa Falls.

The CHAIRMAN. Let me identify him: George Dee?

Mr. MARSH. Yes.

The CHAIRMAN. He is a witness in attendance at the hearing now?

Mr. MARSH. Yes; I heard his name called.

The CHAIRMAN. What money was paid to Mr. Dee that you consider to have been improperly paid to him?

Mr. MARSH. My recollection is that there was \$375 paid to him.

The CHAIRMAN. For what purpose?

Mr. MARSH. In the interest of Senator Stephenson.

The CHAIRMAN. That is general. For what purpose was it paid to Mr. Dee? What was he to do for it?

Mr. MARSH. We examined him for a long time, and did not find out; but we found out the result of the payment of the money to him, at any rate. Before he received the money he was opposing Senator Stephenson, and after he received it he was favoring him.

The CHAIRMAN. You say that appears in the testimony taken before you?

Mr. MARSH. I think it does. I think we have in the testimony copies of editorials which show that he published one or more editorials, shortly before he received this money, which I think anyone would construe as being in opposition to Senator Stephenson. After he received this money he commenced publishing editorials in favor of Senator Stephenson.

The CHAIRMAN. That was demonstrated, you say, by testimony?

Mr. MARSH. Yes; I think that is in the record. His testimony was that it was for advertising purposes. He gave us his advertising rates; and figuring liberally, I think, at his regular rates, there was about \$60 worth of advertising done. The balance of it, we believed the testimony showed, was for the purpose of influencing his judgment and influencing the attitude of his paper, and thereby influencing the voters who read his paper.

The CHAIRMAN. Did you base that belief upon testimony that was adduced before you?

Mr. MARSH. We did.

The CHAIRMAN. How soon did it appear from that testimony that Mr. Dee did commence to support Senator Stephenson?

Mr. MARSH. It was very late in the campaign. Of course the record is there. But I should say it was 10 days or 2 weeks before the primary.

The CHAIRMAN. That he received the money?

Mr. MARSH. Yes.

The CHAIRMAN. So that you think it was certainly that long before that he changed his attitude, as you state?

Mr. LITTLEFIELD. What was this amount, Senator?

Mr. MARSH. My recollection is it is \$375 that Mr. Dee received. I may be wrong about that.

The CHAIRMAN. I will develop the amount in a moment. I have it right before me.

Mr. MARSH. Of course I may be mistaken on these amounts.

Mr. LITTLEFIELD. I simply wanted to be sure I understood what the witness stated.

The CHAIRMAN. I will be candid with you, in order that you may know the object of the interrogation. I do not intend to retry this case, nor to try your judgment. I want to know upon what your conclusions were based; that is all. Did you learn who paid this money to Mr. Dee?

Mr. MARSH. Yes; we learned, but I am not positive now from what source it came. I am not sure but that Mr. Ring paid him part of it and part of it came from Milwaukee.

The CHAIRMAN. Mr. Ring paid him \$150.

Mr. MARSH. Yes; I think the balance of it came from Milwaukee.

The CHAIRMAN. There is no evidence here of any balance, I think. [Examining record.] Yes; Mr. Dee received \$200.

Mr. MARSH. In addition?

The CHAIRMAN. No; altogether.

Mr. MARSH. \$200?

The CHAIRMAN. But he received it all from Mr. Ring, I think.

Mr. MARSH. I may be wrong about the different amounts.

The CHAIRMAN. You have given this as one of the instances that influenced your judgment in concluding that Mr. Stephenson had made a wrongful use of money. You term it bribery?

Mr. MARSH. Yes; under the——

The CHAIRMAN. It seems to have been paid for advertising. Would you call that bribery?

Mr. MARSH. I would not—legitimate advertising; no.

The CHAIRMAN. If it was paid at advertising rates for insertions in the interest of Senator Stephenson, would you consider that a violation of any law of the State of Wisconsin?

Mr. MARSH. Not at the regular advertising rates; no, sir.

The CHAIRMAN. Do you recall any evidence that Mr. Dee inserted this advertisement at less than advertising rates?

Mr. MARSH. No; it was a great deal more than advertising rates, if it was for advertising.

The CHAIRMAN. You think the testimony shows that, do you?

Mr. MARSH. I do; yes. He tried to figure out there how it might be for advertising. Of course it was in the form of editorials; and I do not consider that legitimate advertising, because that represents the views of the editor. But if it is put in as advertising matter, it is an entirely different proposition—like the Garland Stove advertisements that we see, as the committee mentioned yesterday—but when an editorial item appears, that expresses the views of the editor, the management of the paper, or is presumed to; and when that is influenced by the use of money, I call it corrupt influence.

The CHAIRMAN. We will pass now from the testimony in regard to Mr. Dee—because that will rest on its own basis—to another. What other item of expense did you find was a corrupt one?

Mr. MARSH. In the first place, I think it was a corrupt expenditure of money to place a hundred thousand dollars or more in the hands of managers and to permit them to distribute it broadcast throughout the State without any instructions as to how it was to be spent, without any instructions as to keeping accounts so as to enable the candidate to comply with the law in filing his expense account. And for that amount of money to be spent in that way, the tendency is to corrupt voters, in my judgment.

The CHAIRMAN. How much importance did you attach to the failure to file an expense account as required by the statutes of the State?

Mr. MARSH. We considered that simply as one little circumstance indicating that there was not a frank and open attitude on the part of the candidate and his managers so that the people might know how the money was spent. We did not consider that one of the strong reasons why the election was invalid, but simply as a circumstance which was in line with all of the other acts in the campaign on the part of the Stephenson managers to cover up the expenditure of money, the manner in which it was spent, and the persons to whom it was given.

The CHAIRMAN. Did you have any other circumstance before you, or facts in regard to any circumstance, that you considered evidence

of bribery or corruption on the part of Senator Stephenson or his campaign managers?

Mr. MARSH. Oh, yes; many of them.

The CHAIRMAN. I want to get at your views as to what would constitute bribery and corruption, in order that we may give such status to your conclusion as we think it should have.

Mr. MARSH. Aside from the explanation which I have given with reference to these large amounts being placed in the hands of these managers, and no accounts kept of them, the fact that numerous witnesses came upon the witness stand who had spent hundreds and some of them thousands of dollars in the campaign, and testified that they were unable to tell us to whom they paid that money, was in itself a circumstance to indicate that they did not want to tell. We did not believe it was possible for men to spend the amount of money that they were unable to tell us to whom they paid that money, was where it was spent or to whom they paid it. Of course, that is general.

The CHAIRMAN. That is a conclusion that you drew?

Mr. MARSH. Yes; that is a conclusion.

The CHAIRMAN. From a general condition of facts?

Mr. MARSH. Yes; that was a general condition that existed.

The CHAIRMAN. But can you be specific, now, and indicate any testimony or circumstances of a specific nature, brought to your notice, in addition to the single item of the newspaper that you have spoken of?

Mr. MARSH. There were other newspapers and other people. Mr. Wellengard, who was a candidate for the assembly, received some money. I do not know that he has testified here. I know he testified before the joint committee, in substance——

The CHAIRMAN. He did testify to it. Did you take that into consideration? If so, to what extent?

Mr. MARSH. We took his testimony into consideration; that is, that part of it in which he said he paid a man——

Mr. LITTLEFIELD. Just one moment. I submit this, if the chairman please. Of course I understand the subcommittee is proceeding along a broad line of inquiry; but it does not seem to me that we ought to be required to take from Mr. Marsh, who was the chairman of the committee, his characterization of what these witnesses said. If the statement of these witnesses is to go into this record, it ought to come from a source other than an attempt to repeat it here by Mr. Marsh. I object to his injecting into this record anything that he says is in substance what a witness there stated. If what the witnesses there stated is proper to be stated here, let the testimony of the witness come in. I do not know of any rule that authorizes Mr. Marsh to give his conception as to what the witnesses said. It opens up a tremendous field; and what am I to do? Have I got to follow this up?

The CHAIRMAN. The chairman will explain the purpose of this testimony. It is unusual because the circumstances are unusual.

Mr. LITTLEFIELD. I appreciate that; but, Mr. Chairman——

The CHAIRMAN. I will make a statement in the record that will give counsel all of the opportunity for subsequent consideration that he could possibly have.

It is obvious that the subcommittee must take to the United States Senate the facts in regard to this matter. Especially must it take there something upon which that body may estimate the conclusion arrived at by the Wisconsin committees, upon whose action we are here investigating these charges. We are not going to take this as the testimony of the witness because this witness says he testified to it. We are not going to take it there even as hearsay testimony. We have investigated that class of testimony, and before the investigation closes we shall have investigated all that comes to the notice of the subcommittee or that may be brought to its notice. So that it will not rest upon the opinion of this witness as to whether or not it was testimony that should be considered.

But we do desire to draw from the committee that made this investigation the items upon which they based their conclusion, without going into a minute examination of those items. Then we shall know whether or not the report that was made to the Senate of the United States by the governor of the State of Wisconsin sustains the charges upon which the case against Senator Stephenson rests. If we find it does not, it will not matter that this witness or any other witness testified to any condition of facts.

Let me make this plain to counsel. There could be no greater mistake, either in the interest of Senator Stephenson—whose interests we as Senators have in charge—or in the interest of Senator Stephenson as a representative of the State of Wisconsin in the United States Senate, than to fail to take a full and complete record to the United States Senate. We have in recent months had an example of that kind of inquiry. The testimony that goes to the Senate does not go there as establishing or not establishing anything. It goes there to be considered in determining whether or not certain conclusions are to be drawn and facts established. So that it is not antagonistic to Senator Stephenson to draw out this class of statement. It is not testimony within the legal meaning of the word—that is, competent testimony before a court—and it is not the purpose to, nor is it necessary, that the subcommittee should consider that question. We are here not only to investigate this report as to its truth and veracity, but to investigate its source, in order to determine whether or not that committee acted upon matters within the record or matters outside of it.

Mr. LITTLEFIELD. I trust that I appreciate the significance of the suggestions made by the chairman; but if the chairman will bear with me a moment I will suggest that I had not supposed, and I do not now suppose, that we are here for the purpose of ascertaining whether or not Mr. Marsh exercised the proper judgment when he reached a conclusion. Nor are we here for the purpose of testing the propriety or impropriety of his opinions. I had not supposed that the opinion of this investigating committee on the part of the Wisconsin Senate was in any sense evidence anywhere.

The CHAIRMAN. It is not.

Mr. LITTLEFIELD. If it is not evidence anywhere, it is a matter of no concern to us whether it was well founded or ill founded. I do not know how wide the subcommittee feel that they should open the door.

The CHAIRMAN. They will not open it very wide.

Mr. LITTLEFIELD. I know; but here is a question of the propriety of the opinion of Mr. Marsh as to what he based his conclusions

on. It does not seem to me that it concerns the United States Senate at all. We do not feel——

The CHAIRMAN. You will allow me to interrupt for just a moment?

Mr. LITTLEFIELD. Yes.

The CHAIRMAN. Suppose it were developed by an examination of Mr. Marsh that he based his opinion upon something that would not receive consideration at the hands of the United States Senate? Is not that important in estimating the weight to be given in favor of any presumption that may be claimed in this case?

Mr. LITTLEFIELD. I do not think any weight should be given to Mr. Marsh's opinion at all, or to the committee's—and I am making no reflection on the committee when I say that—because, in my judgment, it has no probative force. It is not admissible in the proceedings before the United States Senate, in my judgment, from any point of view. We have no occasion to criticize it. We have no occasion to find any fault with it. From my point of view it can not be legally considered there. I can understand perfectly that the subcommittee may desire to ascertain on what facts Mr. Marsh or the committee may have predicated their conclusions, but I submit it is not a proper part of this record. If the subcommittee desire that for the purpose of aiding them in further prosecuting their inquiries, that is one thing; but we do not understand that we are required to meet the opinion of the Wisconsin committee. We do not undertake to attack it; we do not undertake to criticize it. Our point of view is: We have no occasion to do either.

The CHAIRMAN. I make this suggestion——

Mr. LITTLEFIELD. Will the chairman bear with me just a moment, please?

The CHAIRMAN. I want to make a suggestion in connection with the utterance of counsel just now made. The process of elimination is a practical one in the Senate, but the process of addition is not.

Mr. LITTLEFIELD. Yes; I appreciate that. But it does not seem to me that there could be any contingency where we should be required to meet in any way the conclusion of the legislative committee. To my mind it is a matter of perfect indifference, if the chairman please, as to the method by which this controversy reached the United States Senate. When it reaches the United States Senate the question then is, What are the facts? The opinion of this committee—respectable as it is—is not of the slightest probative force upon that proposition. The opinion of Mr. Marsh may be well founded or may be ill founded. It may be a good opinion, or it may be a bad one. What of it? That does not concern us. He reached his conclusion in his own way. When it comes to the Senate, the Senate is not to be foreclosed because Mr. Marsh held one thing or held another thing. And, if the subcommittee please, it does not seem to me that Mr. Marsh's opinion as to what certain things showed is a fact in the case at all. The question is, What are the facts?

The CHAIRMAN. I should not want counsel to put the subcommittee in the position of claiming that in a legal sense these are facts. They are not.

Mr. LITTLEFIELD. To be perfectly frank with the chairman, I got the impression from his statement that he felt that the opinion of this

legislative committee, in some way, in connection with these proceedings, at some time, created some sort of a presumption. In my judgment it does not. I do not see how the Senate can consider it.

The CHAIRMAN. No; at least, not in the judgment of the chairman of this subcommittee.

Mr. LITTLEFIELD. Precisely so. But I do not like to have the record filled up with a lot of testimony that can not be admissible from any point of view. Just see where we will be, if the chairman please, if we are going to undertake to test here the propriety of the conclusions of that legislative committee. We have here a record of 6,000 pages that was taken before that committee.

The CHAIRMAN. The subcommittee will take care of that.

Mr. LITTLEFIELD. I know the subcommittee will take care of that; but let us see where we are. I appreciate the fact that the members of the subcommittee feel their responsibility, and I hope they realize that we feel our responsibility. Where would we be? Here the question is raised as to whether or not the conclusion that Senator Marsh and the committee reached was justified. What does that involve?

The CHAIRMAN. That question is not before the subcommittee.

Mr. LITTLEFIELD. Then why do we ask him on what he based his conclusion? Of what concern is it to us? If it is not the question here as to whether Senator Marsh's conclusion was good or bad, justified or otherwise, why do we ask him about it at all? Of what concern is it to us, unless, as I say, the subcommittee desire to get from Senator Marsh what he looks upon as salient facts, for the purpose of aiding the subcommittee in further probing? All of that might be interesting, but it ought not to be a part of this record.

If Senator Marsh's opinion is of no consequence, it certainly is not material. If it is of consequence, he is unquestionably entitled to predicate his opinion upon the whole of the record or any part of it. There can be no doubt about that. If his opinion is questioned, if it is a question of whether it was good or bad, it is up to us to take the whole record and examine the senator from it. As it seems to me, if the chairman please, it opens a tremendously wide door.

I think I have in mind the idea what the subcommittee has; but I do not see how we can escape the question of testing the propriety of the witness' conclusion. As he has well said, he has a perfect right in reaching his conclusion to predicate it upon any fact that appeared in the whole investigation. If his conclusion be an issue here, then we have a perfect right to examine the whole record to test that conclusion as to whether or not he exercised good judgment in reaching it.

It may be, if the chairman please, that I do not thoroughly understand the matter. But I must frankly say that if I do, it seems to me that we are investigating a question that can not by any possibility be a legal issue in the case, and that it is opening a tremendously wide door—a colossal one. If I have to take the members of this State committee, and establish by a cross-examination of them that they did not reach a proper conclusion in relation to any of these charges or in relation to any of their general conclusions, it opens up the whole 6,000 pages of testimony.

The CHAIRMAN. I will suggest there that counsel probably would not be permitted to go into that question.

Mr. LITTLEFIELD. I know; but does the subcommittee want to be in this position: Do you want the record to show that Senator Marsh is called here to justify his conclusions, and then that we are prevented, on cross-examination, from going into as much detailed examination as we think necessary in order to show, perhaps, that he is not justified in his conclusions? It can hardly be, I take it, Mr. Chairman, that the witness can foreclose us from such cross-examination as we might think necessary. How far we might have to go, I do not know.

The CHAIRMAN. Just a moment. We are losing time. I will say to the counsel that the testimony called for is not for the purpose of justifying the conclusions of the legislative committee. Nothing has been said that could intimate that it was; it will not be so considered; and the examination will not be permitted to extend into the question of whether or not the committee was justified in its conclusions. The mere fact that its conclusions were based upon nothing can readily be determined, and the mere fact that its conclusions were based upon some particular points is just as easily determined. We are not going to try any question that was before that committee at all.

Mr. LITTLEFIELD. Then, why is it proper to examine this witness as to that?

Senator POMERENE. The purpose of this testimony is not to establish any particular fact which we expect counsel to meet. But it seems to me the subcommittee is justified in going into this subject for the purpose of calling attention to the salient facts, or elements of evidence—not that it could be regarded as establishing guilt or innocence; nothing of that kind.

I think counsel's view of our powers and our duty differs, at least, somewhat from mine. I do not regard this subcommittee as sitting here as a court. We are here rather as an inquisitorial body, for the purpose of finding out what the facts are. We might be likened, rather, to a grand jury conducting an investigation—though not exactly that, because we are here for the purpose of reporting the testimony. It seems to me that for that reason the subcommittee is justified in pursuing this line to some extent.

Mr. LITTLEFIELD. If the Chair will pardon me, may I ask this question? Is it not upon the record that is drawn out here that the responsibility will devolve upon brother Black and myself to later justify before the final tribunal the right of Senator Stephenson to hold his seat? And are we not confined to this record?

Senator POMERENE. The chairman has expressly stated in better language than I can that these are not evidentiary facts that go to the question of establishing any charge which may or may not be made.

Mr. LITTLEFIELD. Then, if I understand correctly, they are not evidence.

Senator POMERENE. They are not evidence.

Mr. LITTLEFIELD. I want to submit this: I want the committee to feel, as far as we are concerned, that we have no objection to the committee going as far as it thinks proper to go along any of these

lines. But I do not want in this record a lot of material that is not evidence, which we will have to meet later on. I do not want the opinion of Mr. Marsh. Of course he understands that I am making no personal criticism of him, but he is the witness here and is used as an illustration. I do not want the opinion of Mr. Marsh repeated in this record. Of course we may agree that it is not evidence, but other people who will read the record may not look at it in that light. This case will be reported in the newspapers. I do not want a reiteration of the conclusion of the Wisconsin Senate committee made a part of this record.

I submit, with perfect candor, that if you feel that it is necessary to take the testimony of the Wisconsin Senate committee stenographically, so that you may have whatever may develop to aid you in your further prosecution of this inquiry, it ought to be taken in a way that does not make it a part of the public record. I have no objection to the committee's examining this man at any time and anywhere. But I do not think statements of opinion which all of us now concede can not ultimately be evidence in the matter before the United States Senate, so far as Senator Stephenson is concerned, should be allowed to go into this public record.

The CHAIRMAN. There will be nothing in the nature of a star-chamber examination by this committee. If we were to make a private examination of witnesses for the purpose of learning facts or conditions, we would be open to the charge (and it would be pressed with all vigor at some subsequent date) that we had indulged in a star-chamber proceeding, no record of which was kept. We shall not examine any witnesses privately.

This class of testimony might appeal to a certain class of minds and not to another. I am perfectly free to say that it would not appeal to my mind at all; but we have to be prepared to meet every character of inquiry that may be applied to this record in the body that has the ultimate determination. We can not foresee what that will be. We have had some experience; we are not without some guide as to the diversity of opinion in regard to what may and may not be considered. There is now going on elsewhere a great investigation which is a repetition of one formerly had a year ago, because it was charged that the committee at that time did not bring certain matters to the attention of the Senate. There may not be three Senators who will hold that these things are material; but if there is one who challenges the efficiency and completeness of the work of this subcommittee, it will tend to promote controversies, which we are seeking to avoid in this case, if possible.

Mr. LITTLEFIELD. Mr. Chairman, I appreciate the significance of the practical suggestion. But even so, the subcommittee is made up of lawyers, and they are investigating this matter upon legal principles. No matter what the anticipation may be, it is a perfect and a complete answer to every man who eventually sits to determine this question judicially that legal testimony, and legal testimony alone, has been admitted. I protest against the proposition that by reason of any clamor—of course I am fully advised of the situation elsewhere, and I am not referring now to this subcommittee, as its members will understand—there should be admitted before any committee testimony that we as lawyers know can not be properly and legally considered by any man who ultimately sits as a judge.

Senator POMERENE. Is it counsel's position that we are here merely as triers of the fact and not for the purpose of eliciting testimony?

Mr. LITTLEFIELD. Not at all. I think you are here for the purpose of eliciting testimony. But statements made by people that do not relate to this controversy, statements that we all concede are not testimony, are not testimony to which we are called upon to listen; and it is because they are not testimony that I object to them. That is exactly my point. I appreciate the embarrassment that the committee feel——

The CHAIRMAN. The committee does not feel any embarrassment. The committee feels its duty. A duty does not embarrass one.

Mr. LITTLEFIELD. Certainly; but I take it the committee does not feel any duty to allow in the record statements that its members know and that they now practically concede can not be testimony. You are here for the purpose of eliciting what? Testimony. "Testimony" does not mean anything that any gentleman may say. It does not mean an answer to any question that any gentleman may think he may want to ask. We know what testimony is. I have no objection to anything that can be properly characterized as testimony. Under no circumstances, it seems to me, can the opinion of Senator Marsh, however honestly entertained, be admitted as testimony in this hearing, or in the determination hereafter of the matter under investigation.

The CHAIRMAN. We have been spending days here taking testimony in regard to some matters that in my judgment would not affect the conclusion of this case one way or the other, but which in the judgment of others may do so. Because the State law requires candidates for the United States Senate, under the authority of the laws of the State, to render an account of expenditures, I am quite free to say that in my judgment the failure to do so could not in any way affect Senator Stephenson's election to the United States Senate. It does not follow, however, that because in my judgment that is the correct position I should therefore exclude all testimony on that subject, because in the judgment of other men it may be material.

In this particular instance I might express an opinion that perhaps would be just as clear and obvious to counsel as that which I have just expressed. But I am anticipating the fact that we will not sift this testimony as the last tribunal. I think we would better proceed and see to what this leads, because we are not going to open it up at all as counsel has suggested.

Mr. LITTLEFIELD. But if you are going to allow the members of the Wisconsin Senate committee to express their opinions before the United States Senate committee am I not bound to enter upon the examination I suggest?

The CHAIRMAN. No; and you will not have the opportunity.

Mr. LITTLEFIELD. If the committee wants to take that position—that it will allow the members of the Wisconsin Senate investigating committee to reexpress their opinions upon whether or not these charges were sustained, and deprive us of the opportunity to cross-examine for the purpose of showing that those opinions are not well founded—that perhaps may emphasize the fact that the testimony itself is not even admissible. I want to make this suggestion to the committee (and I hope you will not feel that I am unduly persistent)

that it is absolutely necessary for the committee to confine itself within some lines. The committee has repeatedly done that during this investigation. We have not made any complaint about it. We do not criticize the committee. The committee has suggested time and time again that there were subjects into which it would not examine. Why? Because they were not material; they did not relate to the issue. The committee has suggested that testimony of certain kinds would not be admitted. Why? Because as lawyers we all know that it should not be admitted.

We come now to this proposition: The question is, Is the opinion of the members of the Wisconsin Senate committee to be admitted here as evidence or as testimony?

The CHAIRMAN. It is not. I will answer that question right now.

Mr. LITTLEFIELD. Then, if it is not testimony and is not evidence, I protest against its being made a part of the record. I quite agree with the chairman. I do not think it is either testimony or evidence. I submit that the suggestion the chairman has already made does not necessarily minimize the necessity of my making the objection.

We are up against this proposition, just as may be the Senate of the United States ultimately. If it is not testimony, if it is not evidence, I submit there is no propriety in allowing it to become a part of this public record, to be re-repeated throughout the press of this country. I submit that the Wisconsin Senate committee, honest though it may be, ought not to be allowed on another public occasion to reiterate its opinion in this case and have that opinion become a part of this record, to be circulated throughout the public prints of the country; and the papers would have a perfect right to so circulate it. I feel very strongly about that. It does not seem to me that the committee ought to pursue that line of inquiry.

The CHAIRMAN. I think that much of the argument of counsel—which is very illuminating and very strong—rests upon an assumption that the committee is going to do that which it is not going to do and which it has no intention of doing.

Mr. LITTLEFIELD. I thought the committee had already done it.

The CHAIRMAN. Counsel was anticipating the committee. I think in this case he may safely rest upon the development as it comes. The committee has listened patiently for half an hour—and I do not say that in reproach—to the counsel's explanation of a condition that might happen, but which probably will not happen.

Mr. LITTLEFIELD. Mr. Chairman, I now move to strike from the record all of the testimony of Senator Marsh that relates to the opinion which he reached as a member of the Wisconsin investigating committee and the reasons that he has given therefor.

The CHAIRMAN. The motion will be noted.

Mr. LITTLEFIELD. That will raise the question specifically.

The CHAIRMAN. Let us now have the last question and answer read.

(The reporter read as follows:)

The CHAIRMAN. Did you take that into consideration? If so, to what extent?

Mr. MARSH. We took his testimony into consideration; that is, that part of it in which he said he paid a man—

The CHAIRMAN. You may now finish that sentence, so that we will not have any half-spoken sentences.

Mr. MARSH. Change the "a man" to "men." He paid three or four dollars to men for going to vote. That is the testimony before our committee. I do not know what he testified to here.

The CHAIRMAN. I merely want to know what class of testimony or what items were deemed important, in order to place an estimate upon your conclusion.

Mr. MARSH. Yes.

Mr. LITTLEFIELD. I should like to have the committee pass upon my motion.

The CHAIRMAN. It is noted. We do not have to pass upon it.

Mr. LITTLEFIELD. That is, the motion to strike out?

The CHAIRMAN. Yes. It is noted in the record; and that will be just as efficacious for the purposes of counsel as though it were passed upon.

I will say this, and it may possibly throw some light upon the situation: The purpose actuating the committee in dispensing with counsel, nominally to represent the committee, was that the committee might exercise its wisdom in conducting this examination, and not be compelled to listen to long arguments between counsel as to whether or not, not the question of a member of the committee, but the question of counsel, should be answered. By adopting that method we have probably reduced this record by two-thirds. I say that merely in passing.

Mr. LITTLEFIELD. Yes. I do not understand that the suggestion is intended to deprive us of any of our rights. Of course I appreciate the significance of the suggestion.

The CHAIRMAN. Let me say one word about the question of rights. The question of rights is rather an academic one. There is nobody on trial before this committee. There will be before the United States Senate. Nobody is on trial before this committee. The committee is sent here to investigate a condition of facts for the purpose of enabling a larger body to take those facts and pass upon them. It has been customary, and in my judgment it is a very proper custom, to allow counsel to represent parties whose interests are at stake. But that is not because anybody is on trial. Nobody is being tried here. The presence of Senator Stephenson is not at all necessary to the procedure of the committee. It is not like a case in court.

The committee is pleased to have counsel represent the interests of the party whose interests will ultimately be at stake, and the committee desires to extend every courtesy and every opportunity to counsel in that regard. But it is merely a courtesy to the party and not a matter of right. The committee could have met privately in a room in the hotel and heard this testimony. There is no law requiring the committee to sit openly. That is done only in the interest of candor and what the committee deems to be fairness.

Mr. LITTLEFIELD. I should like to get from the chairman of the committee an indication as to about when Senator Stephenson would have a right to intervene in a proceeding in the United States Senate which was intended to test his right to a seat. About where would counsel for Senator Stephenson have the right to come in?

The CHAIRMAN. Senator Stephenson would have the right to be heard in the Senate of the United States.

Mr. LITTLEFIELD. That is to say, the testimony might be all taken in his absence, constructively?

The CHAIRMAN. Yes.

Mr. LITTLEFIELD (continuing). It being academic whether he appeared or not; and the only privilege Senator Stephenson would have would be, when the evidence had been all collected by somebody in a proceeding where he had no right to appear, to be then present and discuss the evidence? I am not sufficiently familiar with the practice to undertake to express an opinion upon that proposition. I had supposed the law to be otherwise.

The CHAIRMAN. These are merely statements made in passing.

Mr. LITTLEFIELD. Oh, yes! We have not any complaint to make of the committee.

The CHAIRMAN. We understand the relative situation.

Mr. LITTLEFIELD. Precisely. We understand that we are here as a matter of grace and not of right.

The CHAIRMAN. But it is a matter of grace that, after it is granted, carries with it certain rights.

Mr. LITTLEFIELD. Precisely so—and which we are now undertaking to exercise.

The CHAIRMAN. The subject of the inquiry by this committee is whether or not there were used or employed corrupt methods or practices in the election of Senator Stephenson. Anything that will throw any light on that subject is within the proper scope of the investigation.

Mr. LITTLEFIELD. I desire to say, Mr. Chairman, that we concur with the committee in that proposition.

The CHAIRMAN. Mr. Marsh, when you use the expression that "men were paid for going to vote," do you mean that they were paid for their time in taking men to vote?

Mr. MARSH. No; I mean that he testified, as I recall it, that he paid men to go to vote.

Mr. LITTLEFIELD. This is Mr. Wellensgard?

Mr. MARSH. Yes.

The CHAIRMAN. He was a member of the legislature? There are two men whose names are very much alike.

Mr. MARSH. He was a member of the assembly at that time.

The CHAIRMAN. He testified that he had done that. Did you take any steps or make any proposition to the legislature to call him to account for it?

Mr. MARSH. I do not remember whether our recommendations were broad enough to cover him or not. I think they were.

The CHAIRMAN. Did you proceed under those resolutions to investigate his conduct?

Mr. MARSH. No further than it was investigated by the committee in connection with the United States senatorial question.

The CHAIRMAN. Did you take any steps to enforce a law that would forbid such a thing as that?

Mr. MARSH. As I say, I think we recommended that the prosecuting officers prosecute that as well as other violations of the law. My recollection is that our recommendations were broad enough to cover that.

The CHAIRMAN. Then you intended in that recommendation to include the prosecution of members of your own body, as well as others who could be charged under the law with violating the election laws of the State?

Mr. MARSH. Under the testimony taken; yes.

The CHAIRMAN. Were any steps ever taken to prosecute them?

Mr. MARSH. I do not know. I ceased to be a member of the legislature, and I do not know whether the prosecuting officers ever took any steps or not. They did not so far as I know, either for that or acts of perjury, except in one instance.

The CHAIRMAN. Your committee, known here as the senate committee, comprised of three members, never made any recommendation to the governor, or through him to the United States Senate, challenging the validity of the election of Senator Stephenson; did it?

Mr. MARSH. I think we did. That was my understanding of our action.

The CHAIRMAN. We have no record certified to us of any action in that regard taken by the legislature of which you were a member. The recommendation came from a subsequent legislature.

Mr. MARSH. Yes. Our report was not completed, and our work was not completed, until after the adjournment of the legislature of which I was a member.

The CHAIRMAN. When did you adjourn?

Mr. MARSH. Oh, we adjourned in July or June.

The CHAIRMAN. And you say your report—that is, the report of the committee of three—was not completed until July, 1909?

Mr. MARSH. It was not completed until long after that. It was not completed until January, 1911.

The CHAIRMAN. Were you then a member of the legislature—on January 10, 1911?

Mr. MARSH. I was until about that time.

The CHAIRMAN. When did your term expire?

Mr. MARSH. It was early in January, 1911. I can not fix the date now.

The CHAIRMAN. That is, January of this year?

Mr. MARSH. Yes.

The CHAIRMAN. Your term of office expired at that time?

Mr. LITTLEFIELD. That is, before the report was adopted?

Mr. MARSH. Before the report was adopted, yes; but not before the report was made.

The CHAIRMAN. To whom was that report made?

Mr. MARSH. I think it was to the governor and the legislature. It is there. I do not recall just how it is worded.

The CHAIRMAN. That is the report found at the end of volume 2 of the proceedings incorporated within the volumes denominated "Senate Journal"?

Mr. MARSH. Yes.

The CHAIRMAN. That report, among other things, is made the basis of the governor's communication to the United States Senate.

Mr. MARSH. I so understood.

The CHAIRMAN. And is a proper subject of inquiry by this committee, having been referred to it.

I have examined you to some extent in regard to the action of your committee which resulted in that report, it not being the intention of this committee to retry the case before you, but to find out upon what basis you arrived at your conclusion—not to determine whether you were justified in doing it, but to ascertain the basis upon which

you made it. You have stated that one of the items was the employment of a newspaper, that another was the employment of men to go to the polls and vote. Those are two items.

Mr. LITTLEFIELD. By Mr. Wellensgard.

The CHAIRMAN. Yes; by Mr. Wellensgard. Can you name another item?

Mr. MARSH. In that connection we took into consideration also the testimony of ex-Senator McGillivray, whose testimony on that subject was not quite so strong, but was along the same line.

The CHAIRMAN. With regard to employing men to go to the polls?

Mr. MARSH. Yes.

The CHAIRMAN. One item is sufficient. It is not necessary to enumerate the witnesses. I am inquiring as to the class of testimony, and not as to its volume, or its sufficiency.

Mr. MARSH. I see. Then, take the item that was expended here in the city of Milwaukee. My recollection is that was something like \$11,000, although I may be wrong about that.

The CHAIRMAN. Did you challenge all of that expenditure, or a part of it?

Mr. MARSH. We challenged all of it in so far as it was placed in the hands of the manager without any directions as to how it was to be expended, or any limitations put upon its expenditure, and because of the manner in which it was actually expended.

The CHAIRMAN. To what class of expenditure did you object?

Mr. MARSH. The class of expenditure to which Mr. Knell testified, such as paying men for working for Senator Stephenson—men who had no convictions on the subject one way or the other, whom he said he could have employed just as well for the same money to work for any other one of the four candidates.

The CHAIRMAN. I merely want the class of testimony. It is not our intention to go into the testimony itself, because if we did we would encroach upon the field suggested by Mr. Littlefield; and it is not our intention to do that. That goes to the question of the employment of men to go to the polls to work.

Mr. LITTLEFIELD. That is Mr. Knell?

Mr. MARSH. Yes.

The CHAIRMAN. We will not enter into the quantity of the testimony. I merely want to know the class of testimony.

Mr. MARSH. I speak of that as an illustration of the class.

The CHAIRMAN. Is there any other class of testimony upon which you relied?

Mr. MARSH. I do not know whether it would come under the same class; but to illustrate what I mean, there is the testimony that came from Mr. French, of Lake Geneva, who I think was paid \$800, who I think was a supporter of Mr. Cook early in the campaign, but became a supporter of Senator Stephenson after—

Mr. LITTLEFIELD. One minute. I object to the witness "thinking," and I move to strike that out.

The CHAIRMAN. That will not be received. The motion of counsel will be noted in the record, and I think that will be the end of the proceeding.

You were the chairman of the senate committee, were you?

Mr. MARSH. I was.

The CHAIRMAN. You made this report which we find at the end of volume 2, Senate Journal.

Mr. MARSH. Yes.

The CHAIRMAN. In that report you recite certain things as having occurred at Madison at the time of the election of Senator Stephenson.

Mr. MARSH. Yes.

The CHAIRMAN. You recite the testimony of Fred Zimmerman in reference to the absence of Mr. Ramsey and other members at the time the vote was taken. You sent that to the governor, and through the governor it comes to us for investigation. I am referring now to pages 2403, 2404, 2405, 2406, 2407, and a part of 2408, wherein you set forth in the report the testimony taken, and state what Mr. Zimmerman and others testified. Have you personal knowledge of those facts, or do you rely upon the testimony of Mr. Zimmerman?

Mr. MARSH. As to the absence of those men, I have personal knowledge.

The CHAIRMAN. What knowledge have you?

Mr. MARSH. I was present when the vote was taken.

The CHAIRMAN. You know they were absent?

Mr. MARSH. Yes.

The CHAIRMAN. Do you know why any one of them was absent?

Mr. MARSH. Nothing except what I learned from the testimony.

The CHAIRMAN. So that you can add nothing to the testimony on that subject which appears in the record?

Mr. MARSH. No, sir.

The CHAIRMAN. Did you rely entirely upon that testimony in forming your conclusions which were sent to us for investigation?

Mr. MARSH. No; I can not say that we relied entirely upon it. We considered it as one of the circumstances.

The CHAIRMAN. What other circumstance had you upon which to base a conclusion in regard to that matter? In other words, do you know any additional facts to those brought out in the testimony?

Mr. MARSH. No; I do not know anything in addition to what was brought out in the testimony.

The CHAIRMAN. So that you can add nothing to that. We have the testimony, and it will be before the committee.

Mr. MARSH. Yes.

The CHAIRMAN. You know nothing of the reason why those members were absent?

Mr. MARSH. I do not.

The CHAIRMAN. Had they been present, the result of the election would have been the same?

Mr. MARSH. No; there would have been no election if they had been present and had voted for their party candidate.

The CHAIRMAN. What was the politics of the men who were present?

Mr. MARSH. They were Democrats.

The CHAIRMAN. Did you have any information in regard to a man named Wagner, who testified before your committee that he saw a transaction through the transom of rooms at the Plankinton Hotel in which certain members of the legislature received money, at which Mr. Puelicher and another member of the legislature were present? What information have you about Mr. Wagner?

Mr. MARSH. My information is that he testified falsely and was prosecuted for perjury and has paid the penalty.

The CHAIRMAN. Did you testify at his trial?

Mr. MARSH. I did.

The CHAIRMAN. Was the question as to the truth or falsity of his statement in regard to having seen money brought into the room by Mr. Puelicher and by him handed to a member of the legislature, who distributed it among other legislators, a question at issue, upon which his veracity was being tested?

Mr. MARSH. It was.

The CHAIRMAN. That was the question?

Mr. MARSH. That was the question; yes, sir.

The CHAIRMAN. And the verdict of the jury was to the effect that that was not true and that he committed perjury in swearing to it?

Mr. MARSH. It was.

The CHAIRMAN. As a member of the committee, prior to or independent of the criminal prosecution, did you, in reaching your conclusion, attach any importance to that man's testimony?

Mr. MARSH. None whatever.

The CHAIRMAN. So that it is not necessary, in testing the soundness of your report, to take that into consideration at all?

Mr. MARSH. It is not. We considered it absolutely false.

The CHAIRMAN. When you say "we," you refer to the members of the committee?

Mr. MARSH. All the members of the committee, I think, were of the same opinion.

The CHAIRMAN. All of them?

Mr. MARSH. Yes, sir. They so expressed themselves.

The CHAIRMAN. There was no dissension in the committee in regard to it?

Mr. MARSH. None whatever.

Senator POMERENE. Since that time have you learned anything further that would shed any light on the proposition, in the way of additional testimony or new testimony, or new facts that may have come to your knowledge?

Mr. MARSH. No; none that I should consider of sufficient importance to refer to at all.

Senator POMERENE. Have you any information on the subject matter of this contention which would give us any light thereon, other than what is contained in the six volumes of testimony?

Mr. MARSH. None whatever.

Senator POMERENE. I think that is all.

The CHAIRMAN. The witness is with counsel.

Mr. LITTLEFIELD. Who wrote this report?

Mr. MARSH. Senators Morris, Husting, and myself.

Mr. LITTLEFIELD. Together?

Mr. MARSH. Yes; we were together most of the time. We were in separate rooms some of the time and divided up the work. I do not mean that all three of us wrote all of it, but we divided up the work and each one of us wrote some of it.

Mr. LITTLEFIELD. What part of it did you write?

Mr. MARSH. I do not believe I could tell now what part of it.

Mr. LITTLEFIELD. You do not remember?

Mr. MARSH. No; I could not tell.

Mr. LITTLEFIELD. What part of it did Senator Morris write?

Mr. MARSH. I can not tell. We sometimes dictated together.

Mr. LITTLEFIELD. What part of it did Senator Morris write, so far as you know? You have already said that you divided up the work. Did you, or do you not remember?

Mr. MARSH. I do remember distinctly that we divided up the work, part of it, and in the case of part of it we sat together and dictated to the stenographer. I presume some of the language in some of the sentences is partly Senator Morris's and partly Senator Husting's, and partly mine, but the bulk of it was divided up.

Mr. LITTLEFIELD. I say, just exactly what was divided up? If you divided up the work, what did you divide up?

Mr. MARSH. We divided up the making of the report. For instance, we were working together in the committee room. We had two or three rooms there at our disposal, and we would suggest that one take up a certain subject.

Mr. LITTLEFIELD. What was that certain subject that you were to take up, for instance? You say you do not remember, but perhaps you can now refresh your recollection. What particular subject did you take up? If you do not remember, of course, that settles it.

Mr. MARSH. No; I do not believe I could tell. There were perhaps 40 or 50 headings; perhaps not so many.

Mr. LITTLEFIELD. I did not ask you how many headings there were. You did not have any doubt about the meaning of the question I put to you, Senator, did you?

Mr. MARSH. No, sir.

Mr. LITTLEFIELD. When I asked you what subjects were referred to you, you knew what I meant, did you not?

Mr. MARSH. Yes.

Mr. LITTLEFIELD. You first said that you did not remember; is that true?

Mr. MARSH. Yes; that is true, and I say so now.

Mr. LITTLEFIELD. You say so now?

Mr. MARSH. Yes.

Mr. LITTLEFIELD. You do not remember what part was allotted to you?

Mr. MARSH. What parts, I will say.

Mr. LITTLEFIELD. What parts?

Mr. MARSH. Yes.

Mr. LITTLEFIELD. You can not now testify as to any individual part or parts that were allotted to you?

Mr. MARSH. No; I do not believe I can.

Mr. LITTLEFIELD. Do you remember what part or parts were allotted to Mr. Morris?

Mr. MARSH. No.

Mr. LITTLEFIELD. Do you remember what part or parts were allotted to Mr. Husting?

Mr. MARSH. No.

Mr. LITTLEFIELD. Do you remember how many parts were allotted to you?

Mr. MARSH. No.

Mr. LITTLEFIELD. Do you remember how many parts were allotted to Mr. Morris?

Mr. MARSH. No.

Mr. LITTLEFIELD. Do you remember how many parts were allotted to Mr. Husting?

Mr. MARSH. No.

Mr. LITTLEFIELD. Your mind is a fairly good blank on that proposition of "parts," is it not?

Mr. MARSH. That would be a matter of judgment.

Mr. LITTLEFIELD. Do you not say so? You have pretty good judgment. You have judged in this case already, and repeated your judgment twice—once in a written report and once orally, here on the stand. Do you not say that your mind is a pretty good blank on this question of "part" and "parts," or do you say it is not?

Mr. MARSH. I say I do not remember.

Mr. LITTLEFIELD. It is a blank, is it not?

Mr. MARSH. Oh, I would not say it was a blank.

Mr. LITTLEFIELD. If it is not a blank, please fill in the blank and state what you do remember.

Mr. MARSH. I have filled it in as fully as I think I can.

Mr. LITTLEFIELD. You do not remember anything about the "part" or "parts"?

Mr. MARSH. We agree on that.

Mr. LITTLEFIELD. We agree on that?

Mr. MARSH. Yes.

Mr. LITTLEFIELD. But your mind is not a blank? You remember enough to testify that there was a division?

Mr. MARSH. Yes.

Mr. LITTLEFIELD. But what it was you do not remember?

Mr. MARSH. No; it is possible that if I took that report and read it over I might pick out things that sounded like my language, and I might remember things.

Mr. LITTLEFIELD. Have I asked you what was possible?

The CHAIRMAN. I will suggest to counsel that it is not worth while to go into the question of who wrote this report. The report is a part of the record of this case. It is not material who wrote it.

Mr. LITTLEFIELD. Have I a right to test the recollection of this witness? That is what I am doing.

The CHAIRMAN. I will suggest that counsel's inquiries of the committee be presented in a respectful manner—not in a contentious manner.

Mr. LITTLEFIELD. That is my question. What I desire to do now is to test the recollection of the witness. When was it written?

Mr. MARSH. It was written early in January, 1911.

Mr. LITTLEFIELD. Was it before your term expired?

Mr. MARSH. Yes.

Mr. LITTLEFIELD. How long before?

Mr. MARSH. A very short time. I can not remember the exact date; but it was written within a week of the expiration of my term—during the last week of my term, I should say.

Mr. LITTLEFIELD. When was it presented? During your term?

Mr. MARSH. It was not; no.

Mr. LITTLEFIELD. Where was it when you last saw it?

Mr. MARSH. It was in the capitol at Madison, in the room in which we worked, just off the assembly room.

Mr. LITTLEFIELD. You left it there, in whose custody?

MR. MARSH. I think I left it in the hands of the two other members of the committee. I think I left before they did. I signed it, and left it in the hands of Senators Morris and Husting. That is my recollection.

MR. LITTLEFIELD. Were they hold-over senators? That is, did they hold beyond your term, or did their terms expire with yours?

MR. MARSH. Senator Husting held over, and Senator Morris was elected lieutenant governor. I do not know just what his political state was.

MR. LITTLEFIELD. When was it presented? It was not presented to the legislative body of which you were a member, then?

MR. MARSH. I think it was presented to the governor. I say, "I think."

MR. LITTLEFIELD. I am only getting your own knowledge about it, Senator—so far as you know?

MR. MARSH. I left it there with the understanding that it was to be presented to the governor immediately.

MR. LITTLEFIELD. Who was governor then?

THE CHAIRMAN. I will say to counsel that that is a matter of official knowledge. It is in the report. The committee have official knowledge of it.

MR. LITTLEFIELD. I had another purpose in my mind in connection with it.

Was Gov. Davidson then the governor?

MR. MARSH. No; I think Gov. McGovern was.

MR. LITTLEFIELD. Gov. McGovern had been elected?

MR. MARSH. Yes.

MR. LITTLEFIELD. When does the term begin?

MR. MARSH. The first Monday in January for the governor, I believe.

MR. LITTLEFIELD. I had supposed that when the previous legislature expired the new legislature came in, and you had a new administration with the new legislature.

MR. MARSH. The legislature does not convene until a little later, so the governor becomes governor before the members of the legislature take their offices.

MR. LITTLEFIELD. They are not contemporaneous—the ending of the one and the ending of the other?

MR. MARSH. No; not quite.

MR. LITTLEFIELD. You have been inquired about as to what occurred on the day when the election took place. I will ask you if you have any memory of the fact that upon the preceding day the vote for Senator stood 63 for Senator Stephenson and 62 opposed, and that one gentleman was allowed to withdraw his vote after he cast it? Do you recollect that fact?

MR. MARSH. I do not believe I can recollect it definitely enough to say that that was the fact.

MR. LITTLEFIELD. Do you remember any circumstance like that?

SENATOR POMERENE. Is the purpose to show that as the ultimate fact, or is it simply preliminary to something else?

MR. LITTLEFIELD. I am going to show that that is the ultimate fact.

SENATOR POMERENE. Would not the record be the best evidence of that?

Mr. LITTLEFIELD. I have not examined the record in relation to that. My attention was called to it only this morning.

The CHAIRMAN. It is in the record.

Mr. LITTLEFIELD. You say it does appear in the record?

The CHAIRMAN. Yes.

Mr. LITTLEFIELD. Very well.

The CHAIRMAN. That is, with reference to the vote.

Mr. LITTLEFIELD. With reference to the vote being withdrawn after the result was announced?

The CHAIRMAN. That appears in the journal.

Mr. LITTLEFIELD. I want to be sure about that.

The CHAIRMAN. It is not controverted at all.

Mr. LITTLEFIELD. I have not any copy of that here. In any event, Senator, you do not remember distinctly about that?

Mr. MARSH. No; I do not remember distinctly. I know that there were situations like that arising along there; but I would not be able to testify about that particular matter.

Mr. LITTLEFIELD. That is, you can not identify that instance as distinguished from the other instances that occurred?

Mr. MARSH. No.

Mr. LITTLEFIELD. You say there are copies of the editorials from the "Dee" in the record?

Mr. MARSH. I think they were read in the record. I have not examined the record since we took the testimony, which was nearly two years ago; but I think those editorials were read into the record—at least one of each kind.

Mr. LITTLEFIELD. Are you certain that there was an editorial read into the record? To be frank about it, I have not examined it with care myself to see what the fact is in that regard. But are you certain that there was an editorial read into the record from the "Dee" that was prior to the payment of money to the editor or to the publisher for advertising purposes?

Mr. MARSH. I am not certain that there was. It was referred to in the examination of Mr. Dee; but I would not be positive that it was read into the record, or, at least, the whole of it.

Mr. LITTLEFIELD. Are you positive that you had your attention called to an editorial which showed that the "Dee" was in opposition to the Senator prior to that time?

Mr. MARSH. As I said in my direct examination, I so construed it. If you want me to do so, I will state the substance of it as I recollect it.

Mr. LITTLEFIELD. The substance of the editorial?

Mr. MARSH. Yes.

Mr. LITTLEFIELD. In the first place, you do not remember whether it is in the record or not?

Mr. MARSH. No; I do not remember whether it is copied into the record or not.

Mr. LITTLEFIELD. Let me ask you this in relation to it: Do you remember whether you saw the editorial or not?

Mr. MARSH. Yes; I saw it. Mr. Dee had a file of his papers there before the committee.

Mr. LITTLEFIELD. You may state, if you wish, the editorial that you have in your mind, as you remember it.

Mr. MARSH. It was an editorial in which he was prophesying the election of Mr. Cook, as I recall it, and seemed to indicate that he was the popular candidate. I may be mistaken about that, but that is my recollection now. That is, it might have been one of the other candidates, but it was not Senator Stephenson. After that there were editorials favorable to Senator Stephenson, urging his election.

The CHAIRMAN. I can refer counsel to the page on which the editorial appears, if desired.

Mr. LITTLEFIELD. Yes.

The CHAIRMAN. The editorial last referred to is on page 2169 of the proceedings; and the other is referred to in that connection. It is in quotation marks, and I assume it was read into the record.

Mr. LITTLEFIELD. This is the one relating to Senator Stephenson?

The CHAIRMAN. That is the last one he referred to. That is the one I call counsel's attention to. I think you will find the other in connection with it.

Mr. LITTLEFIELD. The one I am particular about is the other editorial. I will ask Mr. Black to run through the record and see if he finds it.

The CHAIRMAN. On page 2177 counsel will find reference to an article on the 14th of July with reference to Senator Stephenson's having broken a certain promise, etc. Then there is another article on August 29. All of these appear in the record without much interruption, going along from page 2168 on. But counsel is apt to violate the rule that he himself invoked if he pursues that subject, because I avoided going into it.

Mr. LITTLEFIELD. I will state right here, to be perfectly frank, that it is not worth while for me to enter upon any cross-examination of Senator Marsh with reference to the propriety of his opinions unless I am allowed to go into the record enough to show that the opinions were not properly entertained.

The CHAIRMAN. We did not go into the question of the propriety of his opinion, but the question of whether he had an opinion or not.

Mr. LITTLEFIELD. Very true; and he was allowed to state what his opinion was. Then he was allowed to give some of the details upon which he predicated his conclusion. I shall have to go along a little further. It is useless for me to cross-examine unless I can follow out the cross-examination to some conclusion.

The CHAIRMAN. I think we will draw the line at the contents of the papers. We will not go into that question. It would open up a question that would shed no light upon the issue here. I will suggest to counsel that an examination into all of the testimony might be interminable.

Mr. LITTLEFIELD. As I understand, then, the committee declines to allow me to pursue my examination further on that line?

The CHAIRMAN. On the question of the contents of those papers; yes.

Mr. LITTLEFIELD. Very well. Then, while I offer the question, the committee, of course, exclude it?

The CHAIRMAN. The committee did not go into it, and it is not necessary for counsel to do so.

Mr. LITTLEFIELD. The only reason I suggest going into it is simply to test the propriety of the witness's conclusion.

You say there was \$375 paid to Mr. Dee?

Mr. MARSH. That was my recollection of the amount, I said, and the chairman called my attention to the fact that the record shows only \$200. I may be mistaken about that.

The CHAIRMAN. The amount is not material. It is the principle involved. We will not permit an examination of this witness as to how that money was expended.

Mr. LITTLEFIELD. Or as to how Mr. Dee received it?

The CHAIRMAN. No.

Mr. LITTLEFIELD. I will ask the witness—so that the record may show it—how he reached the conclusion, according to his recollection, that the sum was \$375, as he first stated? I simply do that for the record. Of course if the committee feel that I am going too far, it is not at all embarrassing for me for the committee to rule out the question. But I will not pursue that line of inquiry. There is not any use in doing so.

The CHAIRMAN. I will suggest that the record before us shows how he received it. It is not controverted, and it was not controverted then.

Mr. LITTLEFIELD. I want to be perfectly frank about this. My purpose in this line of examination—and I have no particular objection to stating it to Mr. Marsh, who is a very intelligent man—is to test the recollection of the witness.

The CHAIRMAN. I do not think it is necessary to test the recollection of the witness. He has been asked, not as to what he remembered about it, but as to whether certain things entered into the consideration of the State committee in arriving at its conclusions. We have the testimony in regard to the payment of all the money.

Mr. LITTLEFIELD. I know; but the witness has been allowed to give some reasons which now rest in his recollection as the basis of his conclusion. My object in this part of the cross-examination—and of course I am subject to the direction of the committee—is to test the memory of the witness and the character of his recollection.

The CHAIRMAN. The committee does not think it is necessary to go into what are primary facts in this case for the purpose of testing the memory of the witness. The things upon which the witness acted have been gone into, and counsel has cross-examined him in regard to them.

Mr. LITTLEFIELD. If the committee please, the witness having been allowed to state his conclusion or opinion, and having been allowed to give some instances upon which he predicated it, my desire is to search the recollection and memory of the witness for the purpose of ascertaining as a fact whether or not those items were items upon which the witness could properly predicate the conclusions indicated.

The CHAIRMAN. The witness has not been permitted, under examination of the committee, to express his conclusions. He has only been permitted to express the things upon which he based his conclusions. His conclusions are in the record.

Mr. LITTLEFIELD. I will put it that way—that it is for the purpose of ascertaining whether or not the statement of the witness, when he

testified about any of his conclusions, and then gave reasons or facts upon which he predicated those conclusions——

The CHAIRMAN. He was stopped by the committee from following those up.

Mr. LITTLEFIELD. Yes; but the committee already has some of them in the record.

The CHAIRMAN. They will receive no consideration.

Mr. LITTLEFIELD. Is it possible that testimony can be put into this record as to which I can not cross-examine?

The CHAIRMAN. Yes; that class of answers. Unauthorized answers by the witness are never the subject of cross-examination. Answers beyond the scope of the inquiry can not be made the subject of cross-examination under the laws of evidence.

Mr. LITTLEFIELD. If the committee please, from my point of view, with the view the committee take of the character of the testimony, it is impossible for me to conduct what I look upon as an adequate and appropriate cross-examination, and therefore I decline to cross-examine the witness any further.

The CHAIRMAN. Very well. The witness will be excused, and the committee will take a recess until 2 o'clock.

(Whereupon, at 12 o'clock and 30 minutes p. m., the committee took a recess until 2 o'clock p. m.)

AFTER RECESS.

At the expiration of the recess the subcommittee reassembled.

TESTIMONY OF SPENCER M. MARSH—Resumed.

Mr. MARSH. Mr. Chairman, I did not understand whether or not I was through when the committee took a recess. There was one little correction that I wanted to make in my testimony if I may.

The CHAIRMAN. You may state what that correction is.

Mr. MARSH. I think I said that when the Blaine charges were taken up we found the first charge to be true. Looking it over more carefully since I was on the stand, I observe that the amount specified there is \$250,000; that is, an amount in excess of \$107,000 and approximately \$250,000. There was no finding that he spent \$250,000. It was simply as to the manner in which the money was spent. I thought it was in excess of \$100,000 that we intended to find.

The CHAIRMAN. I think the committee understand you; and the committee did not take each of the charges up with you, because they merely wanted to get the general method by which you arrived at your conclusions. We do not desire to open up any charges.

Mr. MARSH. There was one other thing, Mr. Chairman. I did not know but the chairman's question was broad enough so that I should have answered more fully—objection was made and there was an interruption—as to the classes of testimony that we took into consideration. I did not mean to be understood that the classes I mentioned were the only ones that we took into consideration.

Mr. LITTLEFIELD. Just a moment. Mr. Chairman, I object to going into this any further.

The CHAIRMAN. Your objection will be noted.

Mr. MARSH. The question, I think, was broad enough to call for the different classes of testimony that I recalled that we took into consideration. I did at the time not quite get the distinction between the testimony itself and the class of testimony.

Mr. LITTLEFIELD. Between what?

Mr. MARSH. I did not quite get the distinction, in the ruling of the chairman, between what I might testify to and what I was not to testify to. I understand it now to have been confined to the classes of testimony that we took into consideration, rather than the testimony itself. I did have in mind two or three other classes of testimony that we took in.

The CHAIRMAN. What were they, in brief?

Mr. MARSH. All this testimony relating to the methods which I characterized as secret methods of handling the campaign funds.

The CHAIRMAN. I think you included that in your answer.

Mr. MARSH. I hardly think so. Then, all the testimony relating to the payment of money to candidates for member of the legislature.

The CHAIRMAN. I think you also included that within your answer.

Mr. MARSH. I did not think I did.

The CHAIRMAN. I asked you, in regard to that, why you did not proceed, or if any proceedings were taken.

Mr. MARSH. That was with reference to one instance.

The CHAIRMAN. The principle is the same. One is quite sufficient.

Mr. MARSH. Then, the testimony relating to promises, illustrated in the case of the Lancaster Bank.

The CHAIRMAN. You took that into consideration?

Mr. MARSH. We took that into consideration; yes.

Also the class of testimony upon the subject of the efforts of Senator Stephenson and his managers, and his newspaper, the Free Press, to suppress and prevent investigation.

The CHAIRMAN. It was charged that that effort was made by one of your own associates in the legislature, was it not?

Mr. MARSH. Of course there was testimony along different lines upon that question.

The CHAIRMAN. Yes; but the charge seems to be, in the record, that a member of the legislature endeavored to throw obstacles in the way of legislation, and there is a large amount of material in the record on that subject which has been given attention.

Mr. MARSH. That is one of the cases of testimony of that class.

Those, in general, were the classes of testimony that we took into consideration. There were others of less importance, and probably of more importance, that I do not recall.

The CHAIRMAN. That is all. It is a mere enumeration of these matters—

Mr. LITTLEFIELD. Yes; I notice what he has said.

The resolution under which you were acting was a resolution requiring you to investigate the whole senatorial campaign in the primary, was it not?

Mr. MARSH. Yes, sir.

The CHAIRMAN. I think we will not go into that. That would open the other—

Mr. LITTLEFIELD. Well, I offer it, and the chairman excludes it?

The CHAIRMAN. Yes.

Mr. LITTLEFIELD. And I wish to ask this further question: If it is not true that your committee, of which you were the head, practically insisted on confining this investigation to Senator Stephenson?

The CHAIRMAN. You need not answer these questions, because we will not go into that.

Mr. LITTLEFIELD. I want to have the record show that I offer to show this.

I wish also to ask you if it is not true, referring to these criticisms that you make and that you now refer to as general reasons upon which you desired to supplement the conclusions to which you have testified, that all of the conduct in relation to the expenditure of money in the campaign of Senator Stephenson was the same kind of conduct that had been engaged in by the other candidates, among others the one that you supported yourself?

Mr. MARSH. I think not. I think it was not the same kind.

Mr. LITTLEFIELD. You think it was not?

Mr. MARSH. Yes.

Mr. LITTLEFIELD. Do you think they did not hire watchers at the polls—

The CHAIRMAN. The committee will not go into an examination of that question, it being brought out by counsel. We will not pursue that question any further.

Mr. LITTLEFIELD. But, Mr. Chairman, if that committee is going to interject its opinion here, I want to show the circumstances under which it reached its conclusions.

The CHAIRMAN. This committee will not hear any testimony as to what was done by other candidates.

Mr. LITTLEFIELD. I want to show that while that committee were especially instructed to investigate all the candidates, they substantially confined their investigation, and that these 6,000 pages of testimony show a constant wrangle on the part of that committee because of their undertaking to confine the testimony to Senator Stephenson.

I want to ask this witness if that is not true. He was the chairman of the committee.

The CHAIRMAN. The committee will not receive any testimony as to the candidacy of other persons.

Mr. LITTLEFIELD. I will ask him this question:

Is it not true that in the course of this investigation you discovered that the other candidates for the primary had filed no more adequate return of their expenses than Senator Stephenson filed?

The CHAIRMAN. You need not answer that question. And I will say to counsel now that, having raised the question, we will not pursue it any further.

Mr. LITTLEFIELD. Well, I have covered all the ground I desire to cover. That is all.

TESTIMONY OF THOMAS MORRIS.

THOMAS MORRIS, having been previously sworn, was examined and testified as follows:

The CHAIRMAN. You are lieutenant governor of the State of Wisconsin, are you?

Mr. MORRIS. Yes, sir.

The CHAIRMAN. When were you elected?

Mr. MORRIS. Last fall; at the last general election.

The CHAIRMAN. During the year 1908 you were a member of the Senate of the State of Wisconsin, were you?

Mr. MORRIS. Yes, sir.

The CHAIRMAN. From what district?

Mr. MORRIS. From the thirty-second district.

The CHAIRMAN. You testified before the joint committee of investigation in the legislature?

Mr. MORRIS. Yes, sir.

The CHAIRMAN. At page 4468 of the record it appears that you were sworn and examined by Mr. Hambrecht. Who was Mr. Hambrecht?

Mr. MORRIS. He was one of the assembly members of the joint committee.

The CHAIRMAN. He questioned you as follows:

Just two questions I wanted to ask, Senator Morris, in connection with your examination; very short. Do you consider the caucus of a party more binding than the primary election law?

He was referring to the examination by Senator Husting of the preceding witness, who was Mr. Davidson.

To which you answered:

A. I consider both binding on the party organization, if fairly and honestly conducted; neither binding in case either are unfairly, or fraudulently, or corruptly conducted.

Did you make such answer?

Mr. MORRIS. I did.

The CHAIRMAN (continuing reading):

Q. Didn't you vote against an investigation of the primary-election law the first time it came up in the senate during this session of the legislature? I refer to the Husting resolution.—A. I voted against the Husting resolution. I voted against the Husting resolution because no specific facts—no specific cases of fraud—were set up. I voted for the Blaine resolution because specific facts had been set up.

You so answered?

Mr. MORRIS. I think I did.

The CHAIRMAN. Was that Blaine resolution the one upon which the investigation was had?

Mr. MORRIS. It was the resolution that really started the investigation.

The CHAIRMAN. It was the basis of the investigation?

Mr. MORRIS. I think——

The CHAIRMAN. You did not consider the fact——

Mr. LITTLEFIELD. Let me get just what he said, Mr. Chairman.

(By request, the stenographer repeated the preceding two questions and answers, as follows:)

The CHAIRMAN. Was that Blaine resolution the one upon which the investigation was had?

Mr. MORRIS. It was the resolution that really started the investigation.

The CHAIRMAN. It was the basis of the investigation?

Mr. MORRIS. I think——

Mr. LITTLEFIELD. Yes. That is what I want to get—what was the basis of the investigation.

Mr. MORRIS. I consider that the resolution itself was the basis for the investigation; not the charges.

The CHAIRMAN. The charges were filed in connection with the resolution, or supplementing it, were they not? The resolution preceded the specific charges?

Mr. MORRIS. The charges were filed, and resulted in the adoption of the resolution. Now, whether the resolution as finally adopted accompanied the charges or not, I can not say at this time.

The CHAIRMAN. You were a supporter of Mr. Hatton, were you, in the campaign?

Mr. MORRIS. Yes, sir.

The CHAIRMAN. And in the senate?

Mr. MORRIS. Well, no. I was not a supporter of Mr. Hatton in the senate.

The CHAIRMAN. You did not support Senator Stephenson?

Mr. MORRIS. I did not support Mr. Stephenson. I withheld my vote from him while the charges were being investigated, intending—

Mr. LITTLEFIELD. I object to what the witness intended. How can that be material?

The CHAIRMAN. I do not know what it is, and—

Mr. LITTLEFIELD. How can—

The CHAIRMAN. Just a moment. Will counsel permit the Chair to make a statement? There is but one word before the committee, and that is the word "intending." I do not know what will follow it. That is the only word that is before the committee, and I do not know whether it is a question or an answer, or what it is. The word "intending" is not objectionable, nor is it admissible. Let us see what it is—

Mr. LITTLEFIELD. My objection is that the intentions of the witness can not be evidence.

The CHAIRMAN. He has not said it was his intention. I do not know whether it is or not until I know what his expression is going to be.

What were you about to say?

Mr. MORRIS. I would like to have the question read.

(The reporter read as follows:)

The CHAIRMAN. You did not support Senator Stephenson?

Mr. MORRIS. I did not support Mr. Stephenson. I withheld my vote from him while the charges were being investigated, intending—

The CHAIRMAN. Intending what?

Mr. LITTLEFIELD. I make the objection that his intentions can not be evidence.

The CHAIRMAN. The objection will be noted. I do not know whether he was intending to say more or to say no more.

Mr. MORRIS. My intention was to vote for him if the investigation showed that he had received the nomination fairly.

The CHAIRMAN. You never did vote for him, did you?

Mr. MORRIS. I never did; no.

The CHAIRMAN. You joined in the report made by the committee of three senators?

Mr. MORRIS. Yes, sir.

The CHAIRMAN. You have just heard the testimony of your associate in that matter, Mr. Marsh. He was the chairman?

Mr. MORRIS. Senator Marsh was the chairman.

The CHAIRMAN. You have just heard the statement of Mr. Marsh. Do you concur in the statements that Mr. Marsh has made as to the action of the committee and the reasons?

Mr. LITTLEFIELD. I wish to object, if the chairman please.

The CHAIRMAN. The objection will be noted.

Mr. LITTLEFIELD. For the reasons I have already given.

Mr. MORRIS. Does the chairman mean as to the findings.

The CHAIRMAN. As to the reasons; yes.

Mr. MORRIS. Yes.

The CHAIRMAN. You concur in that?

Mr. MORRIS. Yes; but I have other reasons for concurring than those of Senator Marsh.

Senator POMERENE. Since the investigation was had, have you gleaned any information which would tend to throw any light on this matter, either one way or the other, in addition to what is contained in the volumes of the testimony transmitted to the Senate of the United States?

Mr. LITTLEFIELD. I understand the inquiry to be whether there is anything new?

Senator POMERENE. Yes.

Mr. MORRIS. I think I shall have to answer "yes" to that question.

Senator POMERENE. State what it is.

Mr. MORRIS. I want to say in the first place, however, that it is not first-hand information.

Senator POMERENE. To enable us to pursue the investigation, if there is anything you can give us, we shall be glad to have it.

Mr. LITTLEFIELD. Is not all that the committee need have the witness state, merely the names of the parties from whom the committee can get the information without the witness giving what he heard about it?

The CHAIRMAN. I think counsel should permit the members of the committee to pursue the investigation in their own way.

Mr. LITTLEFIELD. The committee of course appreciates my position.

Senator POMERENE. I do not understand that the lieutenant governor is attempting to give this as first-hand information; nor do I understand that in coming to an ultimate conclusion we would even consider it.

Mr. LITTLEFIELD. But it goes into the record, if the committee please.

The CHAIRMAN. I want to repeat what is the rule of the committee in this hearing. I say, as chairman of the subcommittee, that no objection, either as to substance or form, lies from anyone to any question that is asked by a member of this subcommittee. The members of the committee are entitled to ask any question that they see fit. An objection would not lie even from another member of the committee. Let that rule be understood.

Mr. LITTLEFIELD. I understand that perfectly. But I understand the chairman to have repeatedly stated that he is perfectly willing that we, representing Senator Stephenson, may make a courteous objection whenever we think it necessary and give our reasons for it.

The CHAIRMAN. Not to a question asked by a member of the committee.

Mr. LITTLEFIELD. I thought the practice had been otherwise.

The CHAIRMAN. The practice is as stated.

MR. LITTLEFIELD. I am subject to the direction of the committee.

THE CHAIRMAN. The committee is not going to be placed on the defensive, nor is any member of it going to be called upon to defend any question that he may ask.

MR. LITTLEFIELD. I do not ask the committee to do that.

THE CHAIRMAN. It will not do it.

MR. LITTLEFIELD. I do not even intimate it; but I can not see any objection to my being allowed to state on the record what my position is. Of course if questions are asked, the committee must appreciate that without protest or objection from me it will perhaps be inferred that I assent to the matter.

THE CHAIRMAN. No; it will not be so inferred.

MR. LITTLEFIELD. I do not think the committee ought to ask me to place myself in that position. I want to be courteous and polite to the committee, but I want to be within my rights.

THE CHAIRMAN. No more objections will be entertained, and counsel will govern himself accordingly.

MR. LITTLEFIELD. Do I understand that I am not to make a formal objection?

THE CHAIRMAN. Not to a question asked by a member of the committee.

MR. LITTLEFIELD. No matter what it may be?

THE CHAIRMAN. Counsel may object to the testimony and the committee will pass upon the admissibility of the testimony, but not to a question asked by the committee, it matters not what that question may be.

MR. LITTLEFIELD. If the chairman will be kind enough to advise me, so that I can follow the suggestion of the committee—

THE CHAIRMAN. You can follow the instruction of the committee by refraining from making objections.

MR. LITTLEFIELD. So that from now on I have not any right to object to any question?

THE CHAIRMAN. Nor have you had since I first made my statement at the beginning of the investigation. You have been proceeding by indulgence.

MR. LITTLEFIELD. And from now on I can make no objection whatever to anything?

THE CHAIRMAN. None lies. You may proceed, Mr. Morris.

MR. MORRIS. I want to try not to violate the rule laid down by the committee. As I understand it, I am permitted to tell what I think I know.

THE CHAIRMAN. You are permitted to answer any question that a member of the committee asks you.

MR. MORRIS. Then I will ask that the question be repeated to me.

The reporter read as follows:

Senator POMERENE. To enable us to pursue the investigation, if there is anything you can give us, we shall be glad to have it.

Senator POMERENE. What is the information to which you refer?

MR. MORRIS. Do you want to know the name of my informant?

Senator POMERENE. We do.

MR. MORRIS. I have been told by a Mr. Cook—I do not recall his initials at this moment, but he is a partner of Mr. Hines, the lumber man—that a few days before the election in the legislature a sum of money approximating \$100,000 was raised by Mr. Hines and Mr.

Stephenson and placed in the hands of certain men, one of whom was Robert Shields, of Superior, and that this money was used in the legislature during the election. I was also informed that Mr. Shields went to Washington just before the election in the legislature and saw Senator Stephenson, and came back with a sum of money which I understand was in the form of a check, drawn in blank—that is, the amount was blank. I knew, however, about Shields's trip to Washington at the time. That is, I had been informed in reference to it at the time. Our committee then subpoenaed Mr. Shields, and he disappeared. He left the State. We were never able to obtain his testimony.

Senator POMERENE. Is there anything else that you wish to add?

Mr. MORRIS. I am also informed that there is a man here in Milwaukee, with whom I have not talked personally, who was informed by another party here in Milwaukee, whose name I do not know, that part of this money went to the three Democrats who walked out of the joint session. The gentleman's name here in Milwaukee who I understand has that information is Sanderson.

Mr. LITTLEFIELD. What is his first name?

Mr. MORRIS. I do not know his full name.

Senator POMERENE. What is his business?

Mr. MORRIS. He used to be assistant sergeant-at-arms of the senate.

Mr. LITTLEFIELD. The Wisconsin senate?

Mr. MORRIS. The Wisconsin senate; and he was at the time Senator Stephenson was elected.

Senator POMERENE. See if I understand this correctly: As to this last information, you got that directly from Sanderson?

Mr. MORRIS. No; I did not. It came to me in this way: Mr. Sanderson was claimed to have told another party that he had this information and wanted to know if we would pay for the services of a detective in working the thing out, when it became known that this committee was to investigate the matter? I informed the party, as did also the other parties to whom the proposition was made, that we were not paying for any testimony. Understand, I am giving the committee what information I have in reference to it. I am not saying that it is true.

Senator POMERENE. Let us get a line on this, if we can. You say it is reported to you that Mr. Sanderson had told something to another party. Who was that party?

Mr. MORRIS. C. H. Crownhart.

Senator POMERENE. Where does he live?

Mr. MORRIS. He lives in Madison at the present time.

Senator POMERENE. What is his business?

Mr. MORRIS. He is the chairman of the industrial commission recently created in the State of Wisconsin.

Senator POMERENE. That is a State commission, is it?

Mr. MORRIS. Yes.

Senator POMERENE. See if I now understand you correctly. Mr. Crownhart is said to have received this information from Mr. Sanderson.

Mr. MORRIS. Mr. Crownhart was asked, as I understand it, by Mr. Sanderson how much the progressives would be willing to pay to have that matter worked out fully by a detective, claiming that the

information was here in Milwaukee, and that he knew who had the information. Mr. Crownhart refused to have anything to do with it.

Mr. LITTLEFIELD. Do you mean he refused to convey the message?

Mr. MORRIS. He refused to pay for the services of a detective. The same information was conveyed to me through another party, and of course I said the same thing in reference to it.

Mr. LITTLEFIELD. Who was the other party?

Mr. MORRIS. William Kittle, of Madison. The committee understands that I have had no personal talk with Mr. Sanderson. I understand Mr. Crownhart has.

Senator POMERENE. Where did you talk with Mr. Kittle, and when?

Mr. MORRIS. Oh, I have talked with him several times.

Senator POMERENE. Where?

Mr. MORRIS. At Madison, and at my home in La Crosse.

Senator POMERENE. Did I understand that you had not talked with Mr. Crownhart yourself on the subject?

Mr. MORRIS. Yes; I have talked with Mr. Crownhart.

Senator POMERENE. When did you talk with Mr. Crownhart?

Mr. MORRIS. Since the committee was appointed.

Mr. LITTLEFIELD. To what committee do you refer?

Mr. MORRIS. I mean the United States Senate committee now investigating the matter.

Senator POMERENE. Where did you talk with Mr. Crownhart?

Mr. MORRIS. Oh, I have had two or three talks with Mr. Crownhart at Madison, and I think we talked it over at La Crosse also. I think we did. I am not certain about that. In any event I talked it over with both of these men repeatedly.

Senator POMERENE. You speak of Mr. Cook, a partner of Mr. Hines. Did you talk with Mr. Cook?

Mr. MORRIS. Yes.

Senator POMERENE. What is Mr. Cook's name?

Mr. MORRIS. I think his initials are W. H. I am not certain about that. He is Mr. Hines's partner in the lumber business.

Senator POMERENE. Where does he live?

Mr. MORRIS. He lives at Duluth, Minn.

Senator POMERENE. When did he tell you this?

Mr. MORRIS. I think it was in April.

Mr. LITTLEFIELD. Of what year?

Mr. MORRIS. This year, 1911.

The CHAIRMAN. Is it S. A. Cook, who testified in this matter?

Mr. MORRIS. No; this Cook did not testify before our committee.

The CHAIRMAN. Is it W. P. Cook, who testified before the committee?

Mr. MORRIS. The Cook to whom I am now referring did not testify before the committee of the legislature.

The CHAIRMAN. I want to identify him as a man who did not testify, so that we will not be sending for the same man twice.

Senator POMERENE. You say Duluth, Minn., is his residence?

Mr. MORRIS. Yes; that is his residence. At any rate, his place of business was there. I think he resides there also. I never met him but once.

Senator POMERENE. You had this talk in April, 1911, where?

Mr. MORRIS. In Chicago.

Senator POMERENE. Where in Chicago?

Mr. MORRIS. It was in a law office in the Rookery Hotel.

Senator POMERENE. Whose law office?

Mr. LITTLEFIELD. Do you mean the Rookery Building?

Mr. MORRIS. The Rookery Building.

Mr. LITTLEFIELD. There is no Rookery Hotel, I think.

Senator POMERENE. Whose law office?

Mr. MORRIS. I have been trying to remember the man's name. I am not at all clear about it. I never met him before, but I can find out.

Senator POMERENE. I wish you would, and furnish the committee with the information.

Mr. MORRIS. I can find out his name, but I can not recall it. I was trying to recall it this morning.

Senator POMERENE. Was anyone else present when you had this talk with him?

Mr. MORRIS. Yes.

Senator POMERENE. Who?

Mr. MORRIS. Senator Husting.

Senator POMERENE. That is the senator who is present here?

Mr. MORRIS. Yes.

Senator POMERENE. And he heard this talk with Cook?

Mr. MORRIS. Yes.

Senator POMERENE. Did you take any statement at that time?

Mr. MORRIS. You mean in writing?

Senator POMERENE. Yes.

Mr. MORRIS. I did not.

Senator POMERENE. Did Mr. Husting?

Mr. MORRIS. I do not think he did.

Senator POMERENE. Was there a stenographic report of this conference?

Mr. MORRIS. None. I will explain the reason why. Mr. Cook gave this information to us at the time, and he asked us to withhold it until such time came as he gave his permission to disclose it. In answer to the Senator's question, I feel under my oath that it is my duty now to disclose the information, irrespective of that agreement. I will say that is the same Hines who had something to do with the Lorimer situation.

Senator POMERENE. What further did he say, if anything, with reference to the use of this money?

Mr. MORRIS. Do you want me to give you the conversation?

Senator POMERENE. I want you to give the conversation as you recall it.

Mr. MORRIS. As I say, I made no memorandum, for the reasons already given. It is purely a matter of recollection now. I never expected to testify to it. I never expected to be placed in a position where I would be asked about it.

Senator POMERENE. That was this April?

Mr. MORRIS. Yes. It was before the proceedings were filed with the governor by the legislature. It was between the time when the committee filed its report and the time when the legislature adopted the resolution recommending that the United States Senate investigate the matter.

Senator POMERENE. Give us the substance of that conversation. Give it as nearly as you can. There were three of you there; and as you give the conversation, indicate who the speaker was.

Mr. MORRIS. There was a fourth party there.

Senator POMERENE. Who was the fourth party?

Mr. MORRIS. Mr. Titus, of Madison. He is the assistant attorney general of the State.

Mr. LITTLEFIELD. What is his given name?

Mr. MORRIS. I do not remember. I could not tell you.

Mr. LITTLEFIELD. He is the present assistant attorney general of Wisconsin?

Mr. MORRIS. Yes. I do not know that he is the present assistant, but he is in the attorney general's office in some capacity.

Mr. LITTLEFIELD. That identifies him. He is of Madison?

Mr. MORRIS. Yes.

Mr. HUSTING (from the audience). Mr. Chairman, I think the governor is mistaken. Mr. Titus resigned a short time ago.

Mr. LITTLEFIELD. I do not know whether it is proper for me to object, Mr. Chairman, but I object to this kind of prompting.

The CHAIRMAN. Yes; that would be proper. This gentleman should not interfere with the examination of the witness.

Mr. MORRIS. I did not know that he had resigned.

Senator POMERENE. The important matter is, was he with you during this conference?

Mr. MORRIS. He was with us. It came about in this way: He came to me and said he had a friend in Chicago, an attorney there, who had talked with Mr. Cook, and that Mr. Cook had some information with reference to the election of Senator Stephenson by the legislature, and said that if I would go to Chicago and meet him he would—

Mr. LITTLEFIELD. Mr. Chairman, I object to this testimony.

Senator POMERENE. That is not responsive to the question. My question was as to this conversation which you say took place in Chicago.

Mr. MORRIS. The conversation, as I remember, was this: Mr. Cook said that after charges were filed by Senator Blaine and the legislature failed to elect Senator Stephenson, Mr. Hines went to Senator Stephenson and represented to him that it would be impossible for him to be elected by the legislature, representing to him that if he would put in, as I remember the figures, \$55,000, he, Hines, would raise an equal amount, and the money would be used in bringing about the election of Mr. Stephenson by the legislature. Mr. Cook said that that arrangement was finally agreed upon, and that Mr. Shields and another party, whose name he did not give us, as I remember—at any rate, whose name I do not at this time recall—took charge of the matter, and of course in time the Senator was elected. This money, he said, was used in part in securing the absence of three Democrats on the day Mr. Stephenson was elected. Then he said that Mr. Shields went to Chicago and insisted upon being paid a sum of money—I think, \$15,000—by Mr. Hines for his services at Madison, and that Mr. Hines and Mr. Shields entered into a dispute about it and had some hard words. That Mr. Shields returned to Duluth to talk the matter over with Mr. Cook's partner—I do not

remember his name—his partner there in Duluth in the lumber business; that his partner went with Mr. Shields to Chicago and talked the matter over with Mr. Hines; and that the matter was finally settled up by giving Shields—I think it was—\$7,500 for his services, and a certain line of fire insurance. Mr. Cook volunteered this information to us, knowing that we were interested in the matter and were on the committee, and promised to see Mr. Shields and use his influence with him to get him to come forward and tell about the whole thing. I have never seen Mr. Cook since, and I have never seen Mr. Shields.

Senator POMERENE. Is there anything else in connection with that conversation?

Mr. MORRIS. There were two conversations. I had two conversations. We talked about a great many things, but I think that is the substance of the conversation.

Senator POMERENE. You say you had two conversations. You have given us one in the Rookery Building. Where was the second one?

Mr. MORRIS. The second one was on the train. I was going home from Chicago, and Mr. Cook was going to Duluth. The talk on the train was in the parlor car, and Senator Husting was present at that conversation. I think I had no conversation with Mr. Cook alone at any time. If I had, it was only for a moment.

Senator POMERENE. Was there any additional information in this second conversation?

Mr. MORRIS. No; no additional information.

Senator POMERENE. Have you had any word from him since?

Mr. MORRIS. I have not. The arrangement was that Mr. Cook was to notify this attorney in Chicago, and he was to notify Mr. Titus. I think Mr. Titus showed me a letter from Mr. Cook a few days after that, saying he had not heard anything from him.

Senator POMERENE. That is, Mr. Cook was to notify the Chicago lawyer as to what?

Mr. MORRIS. As to what Shields would do in reference to coming forward and telling what he knew about this matter. You understand this came to me from Mr. Cook as a fact, as something that he knew to be true. The only question was whether Mr. Shields could be gotten to admit it.

Senator POMERENE. Did I understand you correctly to say that Mr. Cook had gone from Duluth to Chicago, or was it Mr. Cook's partner?

Mr. MORRIS. When do you mean?

Senator POMERENE. To have this conference with Mr. Hines.

Mr. MORRIS. Mr. Cook's partner.

Senator POMERENE. Do you remember his name?

Mr. MORRIS. I do not remember it now.

Senator POMERENE. Can you get that name for us?

Mr. MORRIS. I can get it, I think.

Senator POMERENE. Will you do so?

Mr. MORRIS. I will.

Senator POMERENE. This man Sanderson is in the city here now?

Mr. MORRIS. I think he is. I have not seen him since he was sergeant at arms at the time of Senator Stephenson's election.

Senator POMERENE. What is his business?

Mr. MORRIS. He is a lawyer. I will state to the committee that I did not know this matter was coming out. I could have had all those names if I had known it.

Senator POMERENE. Is there any further information that you can give us which you have gathered since your investigation and the report?

Mr. MORRIS. I do not think of anything further now.

Senator POMERENE. As the committee has been advised by the record here, there was some testimony by one Wagner before your committee; and Wagner was later indicted and convicted of perjury. Since that time have you learned of anything which might shed any additional light on that episode?

Mr. MORRIS. I was in Montana at the time. I was not in the State at the time Wagner's testimony was taken. I have never seen Wagner, nor had any opportunity to talk to him.

Senator POMERENE. The question was whether or not you have in your possession now any further information on that subject?

Mr. MORRIS. This man that Sanderson is supposed to have talked with claims to have. That is, he claims that that transaction really took place, as I understand it. Personally, I agree with Senator Marsh; I never attached any weight to that testimony. But I understand that this fellow claims to have information with reference to that matter.

The CHAIRMAN. Give me his full name and address, please.

Mr. LITTLEFIELD. He has not his full name.

Mr. MORRIS. I do not know his full name.

The CHAIRMAN. Where will we find him? What business is he in?

Mr. MORRIS. He is an attorney. Do you mean Sanderson? He is a lawyer. I do not know who the other man is. He is a detective, as I understand.

Senator POMERENE. It is "Saunders," is it not?

The CHAIRMAN. It is Saunders I am inquiring about.

Mr. LITTLEFIELD. "Sanderson."

Senator POMERENE. How do you spell the name?

Mr. MORRIS. I think it is S-a-u-n-d-e-r-s-o-n.

The CHAIRMAN. The ordinary name "Saunders"?

Mr. MORRIS. I think so.

The CHAIRMAN. Is it "Saunders" or "Saunderson"?

Mr. MORRIS. "Saunders." No; it is "Saunderson." That is the name.

Senator POMERENE. That is the name you gave in the first instance.

Mr. MORRIS. "Saunderson;" yes.

The CHAIRMAN. My present inquiry is designed to get it with sufficient accuracy to find the man. He is an attorney here in the city; is he?

Mr. MORRIS. Yes.

The CHAIRMAN. You do not know his initials. What building did he have an office in?

Mr. MORRIS. I do not know.

Mr. LITTLEFIELD. How did the chairman finally fix that name—as "Saunderson"?

The CHAIRMAN. "Saunderson."

Mr. MORRIS. I think it is "Saunderson," but——

Senator POMERENE. Is there any additional information that you have on this subject?

Mr. MORRIS. I do not think of anything.

Senator POMERENE. The Senator Husting to whom you refer was your associate on the investigating committee?

Mr. MORRIS. Yes, sir.

Senator POMERENE. I think that is all I have to ask.

The CHAIRMAN. The witness is with you, counsel.

Mr. LITTLEFIELD. In the first place, if the committee please, I move to strike out the testimony given by the lieutenant governor in relation to conversations with Mr. Cook and the other party, whoever he may be, on the ground that they are hearsay.

The CHAIRMAN. The motion will be noted.

Mr. LITTLEFIELD. I understand the only right I have is to move to strike out.

The CHAIRMAN. You have a right to object to testimony, but not to questions.

Mr. LITTLEFIELD. I make this objection to the testimony.

The CHAIRMAN. The motion will be noted, and you will have the full benefit of it in your brief.

Mr. LITTLEFIELD. I am within the chairman's rule, am I not?

The CHAIRMAN. Yes; entirely.

Mr. LITTLEFIELD. My motion is upon the ground that it is hearsay, not only in the first, but a part of it in the second and third degree.

The CHAIRMAN. The motion to strike out will be considered upon any grounds that may be applicable.

Mr. LITTLEFIELD. Are you able, Governor, to give the date when you were in Chicago, when this conversation occurred between Mr. Cook and yourself?

Mr. MORRIS. No; I am not. I only know that it was some time between the time the committee filed its report with the governor and the legislature and the time when the resolution was adopted recommending that the senate investigate the matter.

Mr. LITTLEFIELD. Yes; but that is a very long space, relatively, is it not, Governor? That is, they filed their report with the governor some time in January, and the resolution was not taken up in the legislature, as I understand it, until some time in June. Am I correct about the chronology?

Mr. MORRIS. I think so, substantially.

Mr. LITTLEFIELD. That is relatively rather a long period. What I should like to have you do—of course I simply want you to do the best you can—is to get the date a little nearer than that.

Mr. MORRIS. I should say that it was during the latter part of April or the first part of May, but I am not positive about that, even.

Mr. LITTLEFIELD. What is it that enables you to give that recollection? That is, what fact have you in your mind by which you fix that date?

Mr. MORRIS. I know that the legislature was considering what to do with the committee's report.

Mr. LITTLEFIELD. Yes; but is there any particular fact that enables you to locate the conversation as being along about the last of April or the first of May, other than the fact that you were considering the advisability of having this report submitted?

MR. MORRIS. Yes; there is this: I promised Mr. Titus to go down to Chicago from week to week, and something seemed to turn up all the time so that I could not go; and I know that I disappointed him some five or six times. So that would carry it along five or six weeks. I feel certain that it was very shortly before the resolution was adopted—probably two or three weeks, I should say.

MR. LITTLEFIELD. You are not able to give anything nearer as to the date?

MR. MORRIS. I will say this: It was probably about three or four weeks before the resolution was adopted sending the resolution down to the Senate.

MR. LITTLEFIELD. I have not in mind the date when it was adopted.

MR. MORRIS. Neither have I.

MR. LITTLEFIELD. When was it adopted?

MR. MORRIS. I have not it.

MR. LITTLEFIELD. Has anybody here that date? I should like to get that, because I should like to fix it. Have we not something here that shows when the resolution was adopted? I should like to have that date, because I want to work from it.

The CHAIRMAN. What is it?

MR. LITTLEFIELD. I want the date when the resolution submitting this matter to the United States Senate was adopted by the legislature. That is what you have in mind; is it not, Governor?

MR. MORRIS. Yes.

The CHAIRMAN. Submitting the resolution to the Legislature of Wisconsin?

MR. LITTLEFIELD. The resolution adopted by the Legislature of Wisconsin, submitting this matter to the United States Senate.

Senator POMERENE. Do you mean the date when it was passed?

MR. LITTLEFIELD. Yes.

The CHAIRMAN. I have here a copy of the resolution.

MR. LITTLEFIELD. Perhaps that may have the date on it.

The CHAIRMAN. I will see. Perhaps the letter inclosing it will give the date.

MR. LITTLEFIELD. Possibly there is something here to show when it was.

The CHAIRMAN. It came by mail last night. There is no trouble in getting the date.

MR. LITTLEFIELD. No; but I want to get it, because that is the nearest date. [After examining papers.] Nothing appears here to show that.

The CHAIRMAN. We will give you that date. I think I shall be able to do it. Joint resolution 58 is what you want?

MR. LITTLEFIELD. I do not remember the number.

The CHAIRMAN. This resolution is indorsed as follows: (I now refer to the joint resolution relating to the investigation of the primary and general election of 1908, and the election of United States Senator in 1909, which was certified to the United States Senate by the governor of Wisconsin on the 28th day of June, 1911.) This resolution bears on its back this indorsement:

F. M. Wylie, chief clerk of the senate. C. E. Shaffer, chief clerk of the assembly. Department of state. Received June 26, 1911, at 4 o'clock and 5 minutes p. m. J. A. Frear, secretary of state.

That is the certificate of the secretary of state.

MR. LITTLEFIELD. Yes. That gives me the date I want. Then, if I understand you, Governor, your recollection now is that it was somewhere about three weeks prior to the 26th of June, 1911, that you were in Chicago, when the conversation with Mr. Cook occurred?

MR. MORRIS. Somewhere about that time; yes.

MR. LITTLEFIELD. And that would bring it to about the 1st of June?

MR. MORRIS. About.

MR. LITTLEFIELD. In your direct examination you stated that the conversation occurred in April, 1911.

MR. MORRIS. I have not undertaken at any time to fix the time except in a general way.

MR. LITTLEFIELD. Just a moment. On your direct examination you did state that the conversation took place in April, 1911, did you not?

MR. MORRIS. I think not.

MR. LITTLEFIELD. I so understood you.

MR. MORRIS. I have not undertaken to fix the time at any time.

MR. LITTLEFIELD. I will ask you this simple question, then: Did you or not, on your direct examination, according to your recollection, state that this conversation with Mr. Cook took place in Chicago in April, 1911?

MR. MORRIS. I did not.

MR. LITTLEFIELD. You did not so state?

MR. MORRIS. As I remember it, I said I thought it was in April some time.

MR. LITTLEFIELD. Did you state on your direct examination that you thought it was in April, 1911?

MR. MORRIS. Yes; I think I did state that.

MR. LITTLEFIELD. Are we to understand that at that time you had not given it as much thought as you now have, when you state that it took place, as a matter of fact, along about the 1st of June, 1911?

MR. MORRIS. My best judgment at this time is that it was probably along about the 1st of June; and yet I may be mistaken in that.

MR. LITTLEFIELD. That is, you do not undertake to definitely state the date?

MR. MORRIS. I do not undertake to fix the time; no, sir.

MR. LITTLEFIELD. Is there not any way, Senator, by which you can give us the day on which you went to Chicago and listened to this extremely important conversation? Have you not any way by which you can fix that day?

MR. MORRIS. I do not think of any way; no.

MR. LITTLEFIELD. Had you been in Chicago before that time within a short period?

MR. MORRIS. I think not.

MR. LITTLEFIELD. How long had it been before you had the conversation with Cook that you had been in Chicago for any purpose?

MR. MORRIS. Oh, I do not know. I have been getting in there, during the last year or two, three or four or five time a year.

MR. LITTLEFIELD. That being the case, please refresh your recollection and tell the committee how long it had been before you had the conversation with Cook that you had last been in Chicago for any purpose?

MR. MORRIS. I do not know. I could not tell you that.

MR. LITTLEFIELD. Can you not tell the committee within one, two, or three months?

Mr. MORRIS. No.

Mr. LITTLEFIELD. Had you been in Chicago during the year 1911, prior to the 1st of June, 1911, or do you not remember?

Mr. MORRIS. I think so, but I am not certain.

Mr. LITTLEFIELD. You can not remember?

Mr. MORRIS. I can not remember.

Mr. LITTLEFIELD. Do you carry a memorandum book in which you note down any of your business matters or engagements?

Mr. MORRIS. I generally carry a little book in which I keep my expense account.

Mr. LITTLEFIELD. On this occasion did you have a book with you in which you kept your expense account on that trip?

Mr. MORRIS. I think so.

Mr. LITTLEFIELD. Have you that book with you?

Mr. MORRIS. I have not.

Mr. LITTLEFIELD. Where is it?

Mr. MORRIS. I do not know where it is. I may have it in the office and I may not.

Mr. LITTLEFIELD. When did you last see it?

Mr. MORRIS. I do not know. I change books every little while. Here is one I have had probably a couple of months.

Mr. LITTLEFIELD. The one I am inquiring about is the one you had along about the 1st of June, 1911.

Mr. MORRIS. I do not know that I have it. I may have it.

Mr. LITTLEFIELD. Let me ask you this question: Do you or do you not remember whether you did or did not have, along about the 1st of June, 1911, a memorandum book like the one you hold in your hand, in which you make a note of your expenses?

Mr. MORRIS. I think I did; yes.

Mr. LITTLEFIELD. Did you not make a note of your expenses on this trip in the book that you had at that time?

Mr. MORRIS. That was a personal expense.

Mr. LITTLEFIELD. I did not ask you whether it was a personal expense or not.

Mr. MORRIS. I do not know.

Mr. LITTLEFIELD. Do you say now that you do not remember whether you did or not?

Mr. MORRIS. I do not know.

Mr. LITTLEFIELD. You do not know whether you did or not?

Mr. MORRIS. When I am traveling on an expense account for clients, I keep an account of my expenses.

Mr. LITTLEFIELD. Very true; but I am asking you now whether you had a book in which you kept items of your expenses. Do you say now that the only book you had was a book upon which you kept items of expenses that you incurred in the interest of your clients?

Mr. MORRIS. Do you want to know whether I kept an account of the expense on that trip in this book, or not?

Mr. LITTLEFIELD. I have not asked you that question.

By request, the reporter read the question:

Mr. LITTLEFIELD. Very true; but I am asking you now whether you had a book in which you kept items of your expenses. Do you say now that the only book you had was a book upon which you kept items of expenses that you incurred in the interest of your clients?

Mr. LITTLEFIELD. That is the only question I ask you now. I should be glad to have you answer that one.

Mr. MORRIS. I do not generally keep track of my own personal expenses when I am paying the expenses myself; no. For instance, take the expense of this trip. I have no account of it here. I just came from Chicago this morning. I have no account.

Mr. LITTLEFIELD. I am not asking you about that account. Have I asked you anything about that?

The CHAIRMAN. You need not answer that question. Counsel need not indulge in—

Mr. LITTLEFIELD. I will ask the committee to instruct the witness, then, that he is not to be allowed to volunteer testimony into this case that is not called for, even indirectly, by my examination. Have not I a right to that, if the chairman please? If I can not stop the witness myself, I will ask the committee to do so.

The CHAIRMAN. Just a moment, please. I think it is a useless waste of time to enter into a controversy with the committee in regard to the rules for the examination of a witness. If the counsel will proceed and ask proper questions, the committee will be very pleased to pass on them; but not on abstractions.

Mr. LITTLEFIELD. I will say to you, Governor, that I should like to have you answer the questions that I ask you, and stop there.

Mr. MORRIS. I will try to.

Mr. LITTLEFIELD. You are a lawyer.

Mr. MORRIS. Yes; I will try to.

Mr. LITTLEFIELD. You are a lawyer, and a good lawyer, and you understand perfectly what I want. That is perfectly proper, is it not?

Mr. MORRIS. Yes.

Mr. LITTLEFIELD. What do you say, Mr. Morris? Did you have with you, when you made this trip to Chicago, a memorandum book upon which you kept an account of any expenses?

Mr. MORRIS. Oh, I always carry such a book.

Mr. LITTLEFIELD. Do you remember whether you did or did not make any entry of your expenses on this trip?

Mr. MORRIS. I do not.

Mr. LITTLEFIELD. I understand that you have no memory as to whether you did or did not?

Mr. MORRIS. I have no memory as to whether I did or did not.

Mr. LITTLEFIELD. What was the occasion of your making this trip to Chicago?

Mr. MORRIS. I was asked to go down there, and told that this attorney was in possession of information in regard to the Democrats walking out of the joint session. I was not told who was in possession of the information. When I arrived there, he introduced me to Mr. Cook.

Mr. LITTLEFIELD. My only question was as to how you came to go.

Mr. MORRIS. That is the way I came to go.

Mr. LITTLEFIELD. Who gave you that information?

Mr. MORRIS. Mr. Titus.

Mr. LITTLEFIELD. He is the gentleman you have referred to, who was formerly in the attorney general's office?

Mr. MORRIS. Yes, sir.

MR. LITTLEFIELD. Is there anything in the public records in Madison that would indicate when you were absent on this trip to Chicago? I am not sufficiently familiar with the business of the office to know whether or not there would be anything of that kind there.

SENATOR POMERENE. You mean his office?

MR. LITTLEFIELD. Yes; I mean his office in Madison.

SENATOR POMERENE. As lieutenant governor?

MR. LITTLEFIELD. Yes; certainly. What I want to know is whether there is anything in the records of his office there that would throw any light upon the time when he went to Chicago to make this trip?

MR. MORRIS. There are no records in the office of the lieutenant governor at Madison. I do not think of anything. I was absent from the session of the legislature about half the time during the last session.

MR. LITTLEFIELD. Oh! Do you preside?

MR. MORRIS. I preside over the senate.

MR. LITTLEFIELD. That is one of the offices of the lieutenant governor?

MR. MORRIS. That is the only office; so no record is kept. The journal, of course, will show when I was there.

MR. LITTLEFIELD. I had forgotten about that; I did not know that. So that that is all that would throw any light upon the question of your absence?

MR. MORRIS. That would only show my absence. It would not show where I was.

MR. LITTLEFIELD. Had you had any conversation with anybody but Mr. Titus before you went to Chicago on this errand?

MR. MORRIS. Yes.

MR. LITTLEFIELD. I am not asking you what the conversation was; but with whom did you have any conversation, other than Mr. Titus?

MR. MORRIS. I of course informed Senator Husting that they wanted us to go down there and meet this man. I think I talked with Senator Owen, and with Senator Sanborn, I think.

MR. LITTLEFIELD. This was before you went down?

MR. MORRIS. Yes; and I think I talked with Mr. Van der Cook about it.

MR. LITTLEFIELD. He is a reporter?

MR. MORRIS. He is a reporter on one of the Milwaukee papers. I talked with him, but whether it was before I went or after I came back, I am not certain. And I talked with Senator Blaine. I may have talked it over with several other Senators.

MR. LITTLEFIELD. But these are the only ones that you now remember?

MR. MORRIS. That I remember now.

MR. LITTLEFIELD. These are men that you talked it over with before you made the trip?

MR. MORRIS. Before I went; yes.

MR. LITTLEFIELD. Did Mr. Titus, Senator Husting, and yourself go to Chicago together?

MR. MORRIS. No; we went separately. I went alone. I do not know how they went, whether they went together or not.

MR. LITTLEFIELD. Where did you meet them when you reached Chicago?

MR. MORRIS. We met them at a hotel there. I think it was the Great Northern.

MR. LITTLEFIELD. On what line did you go down to Chicago—what railroad, I mean?

MR. MORRIS. I think I went down on the Milwaukee. It was either the Milwaukee or the Northwestern. I went from Madison.

MR. LITTLEFIELD. Was Mr. Titus in Madison when you left? Do you know?

MR. MORRIS. I do not think he was. I think he went down earlier in the day or the day before.

MR. LITTLEFIELD. Do you know whether Senator Husting was in Madison when you left or whether or not he had gone before?

MR. MORRIS. He went that same day.

MR. LITTLEFIELD. On another train?

MR. MORRIS. Whether he went before or after I went, I do not know. I think he went on another train.

MR. LITTLEFIELD. What do you say the place is where you met either one or both of them?

MR. MORRIS. I met both of them at a hotel in Chicago. I am trying to think of the name. It is a large hotel there. I would know the name if I should hear it, if some one will suggest it.

MR. LITTLEFIELD. Was it the Auditorium?

MR. MORRIS. No.

MR. LITTLEFIELD. That is about the only one I know. That is all the help I can give you.

MR. MORRIS. I think it was the Great Northern, but I am not sure which hotel it was.

MR. LITTLEFIELD. Whatever hotel it may be, you do not now remember the name?

MR. MORRIS. No.

MR. LITTLEFIELD. Have you discussed this incident with Senator Husting within the last day or to-day?

MR. MORRIS. I discussed it to-day with Senator Husting.

MR. LITTLEFIELD. Did you discuss with the senator the question as to the hotel where you met?

MR. MORRIS. No, sir.

MR. LITTLEFIELD. That is a detail that it did not occur to you to take up?

MR. MORRIS. No, sir; about the only talk I had with the senator to-day—

MR. LITTLEFIELD. I do not ask you about the talk you had with him. I have not asked you that. I have simply asked you if you discussed that question with him. What time in the day did you meet him at this hotel?

MR. MORRIS. I should really have to say in regard to that that I do not think it could be said that we discussed the evidence or the conversation.

MR. LITTLEFIELD. What time in the day did you meet Mr. Titus and Mr. Husting at this hotel whose name you do not now remember?

MR. MORRIS. In the morning, about 10 o'clock.

MR. LITTLEFIELD. And where in the hotel?

MR. MORRIS. In the lobby.

MR. LITTLEFIELD. Were others present? Other people were about the lobby, I suppose?

Mr. MORRIS. Oh, yes.

Mr. LITTLEFIELD. Did you ever discuss the object of your trip between yourself and Mr. Titus and Senator Husting?

Mr. MORRIS. In the lobby of the hotel?

Mr. LITTLEFIELD. Yes.

Mr. MORRIS. The object of our trip?

Mr. LITTLEFIELD. Yes.

Mr. MORRIS. I do not remember.

Mr. LITTLEFIELD. You do not remember whether anything was said about it or not. What time did you say it was?

Mr. MORRIS. I think about 10 o'clock in the morning.

Mr. LITTLEFIELD. What did you next do?

Mr. MORRIS. We went and called on this attorney.

Mr. LITTLEFIELD. What is the attorney's name?

Mr. MORRIS. I have already stated that I do not remember his name.

Mr. LITTLEFIELD. What street is his office on?

Mr. MORRIS. It is in the Rookery Building.

Mr. LITTLEFIELD. What floor is his office on?

Mr. MORRIS. I do not know.

Mr. LITTLEFIELD. Have you not any recollection as to where it was? I do not know how many floors there are in the building.

Mr. MORRIS. I do not, either.

Mr. LITTLEFIELD. Is it a high building?

Mr. MORRIS. It is a high building.

Mr. LITTLEFIELD. How many stories are there in it, roughly speaking?

Mr. MORRIS. It would only be a guess. I should say probably 4 or 5 stories. It is only a guess.

Mr. LITTLEFIELD. I supposed it was a very much larger building; but you say only some 4 or 5 stories. Do you know whether the office—

Mr. MORRIS. I should not say that it was not a taller building. I did not pay any attention to that. I simply went to the building and went in.

Mr. LITTLEFIELD. Was the office occupied by one attorney, or by a firm of attorneys; or do you not know?

Mr. MORRIS. I think one attorney. I did not understand that it was a firm.

Mr. LITTLEFIELD. Did you see the attorney there?

Mr. MORRIS. Yes.

Mr. LITTLEFIELD. Were you going there for the purpose of meeting the attorney? As I understand it, you did not expect to meet Mr. Cook.

Mr. MORRIS. No; I did not know anything about Mr. Cook at that time.

Mr. LITTLEFIELD. You had first been told by Mr. Titus that you were to meet this attorney in Chicago?

Mr. MORRIS. Yes, sir.

Mr. LITTLEFIELD. Mr. Titus gave you his name at the time he referred to meeting him?

Mr. MORRIS. Yes.

Mr. LITTLEFIELD. And you understood from Mr. Titus that the attorney had the information that you were looking for, as I understood you?

Mr. MORRIS. I think that is the impression I got at the time; yes.

Mr. LITTLEFIELD. So that when you went to this attorney's office you expected to meet the attorney and to get from the attorney the information that you were looking for?

Mr. MORRIS. I think that was my impression at the time; yes.

Mr. LITTLEFIELD. Yes; that is as I understood. Perhaps you may be able to give us some light in this respect, though it is not very material. How far is it from the hotel, where you met Mr. Titus and Mr. Husting, to the attorney's office in the Rookery Building?

Mr. MORRIS. I should say we walked three or four blocks.

Mr. LITTLEFIELD. Only a short distance?

Mr. MORRIS. Only a short distance.

Mr. LITTLEFIELD. Did you find the attorney in?

Mr. MORRIS. As I remember it now, he was not in just at the time. His clerk was there. He came in directly, though.

Mr. LITTLEFIELD. Was anybody in the office but the clerk?

Mr. MORRIS. I do not think so.

Mr. LITTLEFIELD. Was there any stenographer or typewriter there?

Mr. MORRIS. I do not remember. I do not think so.

Mr. LITTLEFIELD. When you first arrived at the attorney's office, there was no one there but the clerk. What was he—a boy in charge?

Mr. MORRIS. That is my recollection of it. I am not positive about it, though.

Mr. LITTLEFIELD. Was anything said to the clerk by either of you?

Mr. MORRIS. By Mr. Titus, I think.

Mr. LITTLEFIELD. What did he say?

Mr. MORRIS. He asked if the attorney was in, calling him by name.

Mr. LITTLEFIELD. You do not recollect the name? Do you recollect that he gave his name?

Mr. MORRIS. I do not remember. He inquired.

Mr. LITTLEFIELD. Would it be your recollection that Mr. Titus asked for the attorney by name, but that you do not now remember the name?

Mr. MORRIS. Yes; I think that is it.

Mr. LITTLEFIELD. What did the boy or the clerk say?

Mr. MORRIS. He said he would be in directly, or something of that sort; I do not remember.

Mr. LITTLEFIELD. Do you have any recollection as to how many rooms there were in the office—that is, of how many rooms the office consisted?

Mr. MORRIS. I think there were two. I saw two rooms.

Mr. LITTLEFIELD. Was there a typewriter in either of them, indicating that a stenographer was employed in the office?

Mr. MORRIS. I do not remember. I know there was not any library there. I remember that.

Mr. LITTLEFIELD. You say you recollect there was no library in the office—that is, in either office, I suppose?

Mr. MORRIS. Yes. That is, I noticed that, because it was conspicuous, a law office without a library; it seemed so to me.

Mr. LITTLEFIELD. What next occurred after the clerk told you that the attorney, whoever he was, was out and would be in shortly? Did you wait?

Mr. MORRIS. We waited.

Mr. LITTLEFIELD. About how long did you wait?

Mr. MORRIS. That is a mere guess; I should say 10 or 15 minutes. It was not long.

Mr. LITTLEFIELD. Who came in?

Mr. MORRIS. He came in.

Mr. LITTLEFIELD. Whom do you mean by "he"?

Mr. MORRIS. The attorney.

Mr. LITTLEFIELD. And what was said after the attorney came in? Who introduced the conversation?

Mr. MORRIS. I think Mr. Titus told him who we were.

Mr. LITTLEFIELD. Did Mr. Titus seem to be acquainted with this attorney?

Mr. MORRIS. Yes; they were old friends. They used to be at Superior; they lived at Superior together.

Mr. LITTLEFIELD. Did Mr. Titus introduce you to this attorney by name, and also give the name of the attorney when he introduced you?

Mr. MORRIS. Yes.

Mr. LITTLEFIELD. And you heard the name?

Mr. MORRIS. I heard the name several times.

Mr. LITTLEFIELD. But you can not now remember it?

Mr. MORRIS. It just simply escaped my mind.

Mr. LITTLEFIELD. You were both introduced, I suppose, you and Mr. Husting?

Mr. MORRIS. Yes.

Mr. LITTLEFIELD. What was said on that occasion, after Mr. Titus introduced you and Mr. Husting to this attorney? That is, what was first said? I should like to have you give us, so far as you recollect, just exactly the conversation. I do not expect that you are going to give it word for word; but I mean the substance of it.

Mr. MORRIS. I would not undertake to give the conversation; but this was the thing I found out then—that he was not the party that we expected to meet.

Mr. LITTLEFIELD. Do you mean that he was not the party you expected to meet, or that he did not have the information you were looking for?

Mr. MORRIS. That he was not the party we expected to get the information from.

Mr. LITTLEFIELD. You discovered that he was not the party you expected to get the information from. What took place then?

Mr. MORRIS. He told us what this party claimed to know about it.

Mr. LITTLEFIELD. What did he tell you?

Mr. MORRIS. He told us substantially what I have said.

Mr. LITTLEFIELD. I should be glad to have you recollect what he said. I should like to have you state just exactly what this attorney, whose name you do not recollect, said that Mr. Cook knew. State as carefully as you can just exactly what he said Mr. Cook would be able to state, if you recollect it.

Mr. MORRIS. I do not think he said anything about Mr. Cook at that time. I think it was later on that he told us who the man was.

Mr. LITTLEFIELD. You mean during the same day?

Mr. MORRIS. Yes; I mean during the same day.

Mr. LITTLEFIELD. Then I will follow it right along. When did he say anything about Mr. Cook?

Mr. MORRIS. I could not say; but it was within half an hour, I think, after we arrived there. He sent for Mr. Cook.

Mr. LITTLEFIELD. What was the first thing that the attorney said?

The CHAIRMAN. Mr. Littlefield, inasmuch as this witness, as we understand it, had the principal conversation with Mr. Cook, the committee would like to know how it is material as to what somebody else told him as to what Mr. Cook would say?

Mr. LITTLEFIELD. If the chairman please, I think it may be of a great deal of importance for us to develop all the circumstances connected with the transaction. This is entirely a new proposition to us.

The CHAIRMAN. The committee will give no consideration to this testimony unless the primary testimony be produced.

Mr. LITTLEFIELD. But I feel it incumbent upon me to do the best I can to probe the recollection of the witness.

The CHAIRMAN. No objection will be made to that. The committee inquired merely to know from what standpoint the question was asked.

Mr. LITTLEFIELD. That is my standpoint, if the chairman please.

The CHAIRMAN. Because it is in evidence that he afterwards talked with Mr. Cook.

Mr. LITTLEFIELD. Yes; that is quite true. But I feel bound to develop all these circumstances for the purpose of ascertaining the recollection of the witness. Of course I can not tell how material it may prove to be; and I feel bound to pursue every legitimate method to ascertain what the fact in that regard may be. The lieutenant governor is a very bright, intelligent gentleman.

What I should like to get, Mr. Morris, is what the attorney first said after the introduction? You stated that at some time he stated what Mr. Cook would say. I should be very glad to ascertain when he made that statement.

Mr. MORRIS. I do not know what he first said.

Mr. LITTLEFIELD. It was before Mr. Cook came in, of course?

Mr. MORRIS. Yes.

Mr. LITTLEFIELD. Did Mr. Cook come in within about half an hour after the attorney came in, or about that time?

Mr. MORRIS. I think, perhaps, it was a little longer than that. It was a short time.

Mr. LITTLEFIELD. But it was before Mr. Cook came in that the attorney made this statement; was it?

Mr. MORRIS. To what statement do you refer?

Mr. LITTLEFIELD. I refer to the statement as to what he expected Mr. Cook would say.

Mr. MORRIS. Yes.

Mr. LITTLEFIELD. What did he say?

Mr. MORRIS. He said—in regard to one of your other questions, I have just found a way of fixing the time I was in Chicago.

Mr. LITTLEFIELD. I shall be very glad to get that.

Mr. MORRIS. Mr. Cook was a witness before the Helm committee.

Senator POMERENE. Before what committee, did you say?

Mr. MORRIS. The Helm committee, investigating the Lorimer election. It was immediately after that, before he returned to his home in Duluth, that I met him in Chicago.

Mr. LITTLEFIELD. Yes. Now go right along.

MR. MORRIS. I should say it was within three or four days after he testified before the Helm committee.

MR. LITTLEFIELD. We can fix that date, then.

MR. MORRIS. Yes; we can fix it in that way.

MR. LITTLEFIELD. Go right along and state what the attorney said he expected Mr. Cook would say.

MR. MORRIS. I remember that there was some talk about Mr.—maybe you do not want this—about Mr. Cook's appearance before the Helm committee and his controversy with Mr. Wiehe.

MR. LITTLEFIELD. No; I do not care about that. All I want is what Mr. Cook was expected to say about the Stephenson matter.

MR. MORRIS. Yes; I suppose that is what you want.

MR. LITTLEFIELD. Yes.

MR. MORRIS. He said Mr. Cook was very anxious to have the action which Mr. Hines took in the Stephenson matter brought to the attention of the Wisconsin Legislature, and that he thought he would be willing to disclose what it was, what he knew about it. He said he had talked it over with him, and I think he told us what Mr. Cook claimed to know, but I am not positive about it. Anyhow he called—

MR. LITTLEFIELD. Give us your best recollection of what he said Cook claimed to know.

MR. MORRIS. If he said anything about that, it was simply to the effect that—

The CHAIRMAN. Just a moment. You say, "if he said anything"?

MR. MORRIS. If he said anything.

MR. LITTLEFIELD. I do not want that. Of course if you have not any recollection about his saying anything, I should not want to have you conjecture as to what he might have said.

MR. MORRIS. I would not want to say that he said.

MR. LITTLEFIELD. Very well. That exhausts that. You would not want to say that he did state what Mr. Cook was going to say?

MR. MORRIS. No.

MR. LITTLEFIELD. It was after he made this statement, then, that he called for Mr. Cook?

MR. MORRIS. Yes.

MR. LITTLEFIELD. The Cook to whom this attorney referred is the Cook over whom the controversy took place in the Lorimer investigation, then?

MR. MORRIS. Yes.

MR. LITTLEFIELD. He is the same Cook?

MR. MORRIS. He is the same Cook.

MR. LITTLEFIELD. What did he do; telephone for Mr. Cook, or send out for him?

MR. MORRIS. I think he telephoned.

MR. LITTLEFIELD. Do you know where he found him? Do you know what he said to him over the telephone? If so, what?

MR. MORRIS. My recollection of it is that he telephoned to Mr. Cook at his hotel and asked him to come over to the office.

MR. LITTLEFIELD. You do not remember the hotel?

MR. MORRIS. No. That is not very much better than a guess.

MR. LITTLEFIELD. That is the best recollection you have?

MR. MORRIS. It is my best recollection.

Mr. LITTLEFIELD. In response to this telephone message, Mr. Cook came?

Mr. MORRIS. Mr. Cook came; yes.

Mr. LITTLEFIELD. When Mr. Cook came into the room, who were there? Or, in the first place, if there were two rooms, what were they? Was one an outer office and the other an inner office?

Mr. MORRIS. Yes.

Mr. LITTLEFIELD. In which place did the conversation occur?

Mr. MORRIS. The conversation took place in what I would call the inner office.

Mr. LITTLEFIELD. Were the doors closed between the outer and the inner office?

Mr. MORRIS. I do not remember.

Mr. LITTLEFIELD. You do not recollect whether they were or not?

Mr. MORRIS. No.

Mr. LITTLEFIELD. Before we leave that subject, I will ask this question: Of course you do not know the name of the young man that you saw there?

Mr. MORRIS. I do not.

Mr. LITTLEFIELD. How old a man did he appear to be; or was he a boy? Was he a boy or man?

Mr. MORRIS. I think it was a boy; it was a young man.

Mr. LITTLEFIELD. How old did he appear to be?

Mr. MORRIS. That would be a guess. He was a young man.

Mr. LITTLEFIELD. Was he 17 or 18 years old, apparently?

Mr. MORRIS. I should say so; yes.

Mr. LITTLEFIELD. While I am on that subject, let me ask how old a man did the attorney appear to be? Do you remember enough about him to give a description of his appearance?

Mr. MORRIS. Yes. I should say that he was a man about 50 years of age.

Mr. LITTLEFIELD. Can you describe him?

Mr. MORRIS. He was a dark-complexioned man of medium height and medium flesh, a man about the size of Mr. Black [referring to counsel], I should say, and of somewhat the same general appearance, as I remember it.

Mr. LITTLEFIELD. You say that so far as you know he was in business alone, and had no partner?

Mr. MORRIS. So far as I know.

Mr. LITTLEFIELD. That is, so far as you have any recollection?

Mr. MORRIS. But it was my understanding that he was Mr. Cook's attorney.

Mr. LITTLEFIELD. You understood that he represented Cook as his counsel?

Mr. MORRIS. Yes; although that may only be an impression.

Mr. LITTLEFIELD. Did the conversation take place in the presence of this attorney and the young man, the clerk?

Mr. MORRIS. No; I do not—

Mr. LITTLEFIELD. Or was it where it could be heard by both of them?

Mr. MORRIS. The clerk was not in the room. I do not remember whether the door was open or not. But Senator Husting and, I think, Mr. Titus stayed there, and myself and the attorney.

Mr. LITTLEFIELD. Have you discussed with Senator Husting to-day the question as to the name of this attorney?

Mr. MORRIS. I asked the Senator to-day if he could remember the name, and he said he could not. I guess he is trying to recall it now, before he goes on the stand.

Mr. LITTLEFIELD. So that so far as you know up to date it is impossible for us, either by you or by the Senator, to locate the attorney?

Mr. MORRIS. If the Senator would telephone Mr. Titus, at Madison, he could get the name.

Mr. LITTLEFIELD. So far as your present information goes, it is impossible?

Mr. MORRIS. I do not know.

Mr. LITTLEFIELD. What was first said when Mr. Cook came into the room?

Mr. MORRIS. I could not say. I do not know.

Mr. LITTLEFIELD. Do you not remember who opened the conversation?

Mr. MORRIS. We were introduced there.

Mr. LITTLEFIELD. By whom?

Mr. MORRIS. By the attorney.

Mr. LITTLEFIELD. What was said as you were introduced?

Mr. MORRIS. I do not remember.

Mr. LITTLEFIELD. Who opened the conversation in regard to the Stephenson matter; the attorney, Mr. Cook, or yourself, or Mr. Husting, or Mr. Titus? Which of you opened it?

Mr. MORRIS. I think that after we were introduced all around the attorney introduced the subject. That is my recollection.

Mr. LITTLEFIELD. What did he say?

Mr. MORRIS. He made it known in some way that Mr. Cook was the man he had been talking about.

Mr. LITTLEFIELD. I should like to have you refresh your recollection, please, and give us a little more directly than that the substance of what he said, if you can not give the exact language.

Mr. MORRIS. I could not do that. I could not make it any more definite than that.

Mr. LITTLEFIELD. What was next said?

Mr. MORRIS. I could not say.

Mr. LITTLEFIELD. You can not tell what the next step in the conversation was? By whom was the next step in the conversation taken?

Mr. MORRIS. I think about that time—that is, very shortly after the subject was introduced—Mr. Cook said that he was willing to give this information to us with the understanding that it was not to be made public without his consent, and we agreed to that.

Mr. LITTLEFIELD. Did he give any reason why it should not be made public without his consent?

Mr. MORRIS. I do not recall that he did.

Mr. LITTLEFIELD. Will you say that he did not?

Mr. MORRIS. No; I would not say that.

Mr. LITTLEFIELD. He simply made the statement that it was not to be made public without his consent? Was that all there was to it?

Mr. MORRIS. I think that was all.

Mr. LITTLEFIELD. Did Mr. Cook need any urging from anybody to make this statement, or was he apparently anxious to volunteer it?

Mr. MORRIS. No one urged him to make it.

Mr. LITTLEFIELD. You say no one did urge him to make it?

Mr. MORRIS. Yes; I wanted the information without the string, of course.

Mr. LITTLEFIELD. What did you say?

Mr. MORRIS. I wanted the information without the string on it.

Mr. LITTLEFIELD. I did not ask you that, did I? I asked you if anybody urged him to make it. You say they did not?

Mr. MORRIS. I say they did not; no.

Mr. LITTLEFIELD. Did anybody ask him to make it?

Mr. MORRIS. To make that reservation?

Mr. LITTLEFIELD. No. Did anybody ask him for the information? I am now trying to get at how this conversation began and developed. I asked you first if anybody urged him to make the statement. You said "No." Now I ask you whether anybody asked him to make this statement?

Mr. MORRIS. After the subject was introduced, I think I told Mr. Cook that I had come down there to get this information, together with Senator Husting, and that I had been informed that some one had that information, and that I now understood that he was in possession of it; and he said he was in possession of the information. I am not trying to give his words.

Mr. LITTLEFIELD. No; I understand. Give the substance of what was said.

Mr. MORRIS. He said he was in possession of the information, but that he would not give it to us unless we agreed not to make it public without his permission; and we never have made it public.

Mr. LITTLEFIELD. That is, you never made it public until you stated it here as a witness?

Mr. MORRIS. Until I felt compelled to state it under the question.

Mr. LITTLEFIELD. You say that you wanted to get the information without any string on it?

Mr. MORRIS. Yes.

Mr. LITTLEFIELD. That is what you say now?

Mr. MORRIS. Yes.

Mr. LITTLEFIELD. And you so wanted it then; did you not?

Mr. MORRIS. I certainly did.

Mr. LITTLEFIELD. Did you ask him to give the information without any string on it?

Mr. MORRIS. Why, yes; we urged him to let me have it.

Mr. LITTLEFIELD. When you asked him to give you that information without any string on it, what reason, if any, did he give as to why he would not give it to you without a string on it?

Mr. MORRIS. I do not recall that he gave any reason.

Mr. LITTLEFIELD. Did he not have any excuse for insisting on keeping the string on it?

Mr. MORRIS. The answer would be merely surmise on my part.

Mr. LITTLEFIELD. Of course what I want is what you got from him.

Mr. MORRIS. I do not think he gave me his reason; no.

Mr. LITTLEFIELD. As I understand it, he gave you this information on the condition that you were not to make it public until he gave you the authority to do so.

Mr. MORRIS. Yes.

Mr. LITTLEFIELD. And at that time you requested him to give you the information without any string on it?

Mr. MORRIS. Yes.

Mr. LITTLEFIELD. What I want to get at now is what reason, if any, he gave for still insisting on keeping a string on the information? That is, did he give any, or did he not?

Mr. MORRIS. I remember now; yes.

Mr. LITTLEFIELD. That is what I want.

Mr. MORRIS. One of the reasons he gave was that he wanted to go back to Duluth and talk the matter over with his partner, and get the—

Mr. LITTLEFIELD. Did he give the name of his partner then?

Mr. MORRIS. Oh, yes; he gave the name, but that I do not remember. It can be easily ascertained.

Mr. LITTLEFIELD. Was it O'Brien?

Mr. MORRIS. It is an Irish name; but it is not O'Brien, I think.

Mr. LITTLEFIELD. It was not O'Brien?

Mr. MORRIS. No.

Mr. LITTLEFIELD. You are quite certain about that?

Mr. MORRIS. No; I am not. My impression is that it is an Irish name.

Mr. LITTLEFIELD. But it is your recollection, so far as you have any, that it was not O'Brien?

Mr. MORRIS. I do not think it was O'Brien. It may have been.

Mr. LITTLEFIELD. Go right along. You say one reason he gave was that he wanted to go back to Duluth and see his partner. Just finish that answer, please.

Mr. MORRIS. And get his partner's influence, get his partner to go with him to Shields, and get Shields to tell what he knew about the transaction.

Mr. LITTLEFIELD. You say that was one of the reasons?

Mr. MORRIS. That was one of the reasons he gave.

Mr. LITTLEFIELD. What was the other reason? Was there any other?

Mr. MORRIS. I do not recall any other now. That was a reason that was given.

Mr. LITTLEFIELD. You do not recall any other reason?

Mr. MORRIS. I do not now; no.

Mr. LITTLEFIELD. Do you think another reason was given, and that you do not remember it?

Mr. MORRIS. I do not know.

Mr. LITTLEFIELD. Is it your recollection, then, that this reason of going to Duluth and getting the influence of his partner in connection with Shields was the only reason? Would you say that, upon further reflection?

Mr. MORRIS. It seems that there were other reasons given there; but I really can not tell them now.

Senator POMERENE. Please speak a little louder, Governor.

Mr. MORRIS. I do not recall any other reason now.

Mr. LITTLEFIELD. Was not the reason given for keeping this thing a secret an important feature of that conversation? Did it not impress you as an important consideration?

Mr. MORRIS. I was not endeavoring to keep it secret.

Mr. LITTLEFIELD. No; but Mr. Cook was insisting that you should. Is it not a fact that the reasons he had for that insistence were important features of the conversation?

Mr. MORRIS. I remember that that was one of the reasons he gave for keeping it secret.

Mr. LITTLEFIELD. And you think there were others?

Mr. MORRIS. I am not sure about that. I really do not know.

Mr. LITTLEFIELD. You, of course, consider this an important conversation?

Mr. MORRIS. I do.

Mr. LITTLEFIELD. In having this conversation, were you making an effort to recollect it carefully, so as to be able later on to use the information in case it became necessary?

Mr. MORRIS. Yes.

Mr. LITTLEFIELD. Did you at any time after that reduce any of this conversation to writing, or make any memorandum of any sort of it?

Mr. MORRIS. I did not.

Mr. LITTLEFIELD. Have you since then discussed the conversation that occurred there with either Mr. Titus or Mr. Husting?

Mr. MORRIS. Yes. I discussed it several times with Senator Husting afterwards. We were expecting to hear from Mr. Cook, of course.

Mr. LITTLEFIELD. Did you discuss it with Senator Husting and go over the conversation?

Mr. MORRIS. Oh, no; we did not go over the conversation again.

Mr. LITTLEFIELD. Not at all?

Mr. MORRIS. We discussed what to do about it. We were——

Mr. LITTLEFIELD. But you did not discuss the conversation?

Mr. MORRIS. We were anxious to get the conversation before the legislature if we could.

Mr. LITTLEFIELD. I beg pardon?

Mr. MORRIS. We were anxious to get the facts before the legislature if we could.

Mr. LITTLEFIELD. Did Mr. Cook claim to have any information except such as came through Mr. Shields?

Mr. MORRIS. I would not say that he gave us any other information; but he did claim to know of this independently. He knew what——

Mr. LITTLEFIELD. He claimed to know of it independently from what source other than Shields? State the language that he used when he claimed to know of it independently of Shields.

The CHAIRMAN. When you say "he," you mean Cook?

Mr. LITTLEFIELD. Yes; that is what I mean. State the language that Mr. Cook used from which you drew the inference that he knew of this from a source independent of Mr. Shields.

Mr. MORRIS. Mr. Cook's attitude was that of a man who knew——

Mr. LITTLEFIELD. I beg your pardon, governor. What I should like to have you do, if you will, please, is to state the language.

Mr. MORRIS. I could not do that.

MR. LITTLEFIELD. You were stating that he had some information independently of Mr. Shields. What I should like to have you do is to refresh your recollection and give the committee, as nearly as you can, the language Mr. Cook used that led you to reach that conclusion. That question calls for his language, as nearly as you can state it. Of course if you do not remember any language that was used, that settles that question.

MR. MORRIS. I could not undertake to give the exact language, of course. But I remember, for instance, that at some time during the conversation Mr. Cook discussed the disappearance of Shields when he was subpoenaed by the joint committee, and discussed the general impression with reference to where he was at the time, and claimed to know where he in fact was at the time—hidden in a Chicago hotel. Whether he got that information from Shields or some one else, I do not know; but he discussed that general subject.

MR. LITTLEFIELD. Did he state where he got that information?

MR. MORRIS. I do not remember.

MR. LITTLEFIELD. Did you ask him where he got it?

MR. MORRIS. I do not think I asked him with reference to where Shields was during that time. I did ask him with reference to the other matter.

SENATOR POMERENE. Governor, you let your voice fall. I did not get your answer.

MR. MORRIS. I do not think I asked him the source of his information, or the whereabouts of Shields during that time, when we were trying to get him. I do not think I asked him about that.

THE CHAIRMAN. Let me interrupt the examination. Our communication with Chicago develops the fact that Mr. Titus, because of mental disturbances, is in California, and is not obtainable as a witness. We have had telephonic communication for the purpose of learning the name of the attorney in whose office this was, and Mr. Sanderson is in Montana.

MR. MORRIS. Temporarily, or has he moved there?

THE CHAIRMAN. No; he will be back to-morrow.

MR. LITTLEFIELD. Read the last question and answer.

The reporter read as follows:

MR. LITTLEFIELD. Did you ask him where he got it?

MR. MORRIS. I do not think I asked him with reference to where Shields was during that time. I did ask him with reference to the other matter.

MR. LITTLEFIELD. What was "the other matter"?

MR. MORRIS. The part that Shields took in the election.

MR. LITTLEFIELD. You asked him with reference to the disclosures that Shields made to him?

MR. MORRIS. I asked him where he got his information in reference to that.

MR. LITTLEFIELD. Where did he say he got it?

MR. MORRIS. He got that from talking with his partner.

SENATOR POMERENE. I did not hear what the witness said.

MR. MORRIS. He got that from talking with his partner, and I think with Mr. Shields, too, if I am not mistaken.

MR. LITTLEFIELD. Your recollection is that he got that from both Shields and O'Brien, or whatever his partner's name was?

MR. MORRIS. I am sure he got it from his partner.

The CHAIRMAN. At this point I will make a suggestion. The committee will take immediate steps to bring before it the primary testimony in regard to this matter, so that it will not rest on hearsay, if that testimony can be procured. It would seem that in view of that fact it would be an unnecessary consumption of time to attempt to get at the primary facts through the medium of hearsay testimony. This witness will be kept within reach of the committee; and if we fail to get Mr. Cook or the witnesses that can give direct testimony, counsel will be permitted to purge the secondary testimony, and I think, therefore, in the interest of orderly procedure, that the attempt to purge the secondary testimony of this witness may be deferred until we ascertain whether or not we are going to have to rely upon it at all. The committee will attach no importance at all to this testimony in the absence of the production of the primary evidence. I realize that if this were the only evidence to be given in the matter then we might pursue it.

Mr. LITTLEFIELD. Of course we are subject to the chairman's direction; but if there is anything in this at all, it is rather a grave proposition.

The CHAIRMAN. That is obvious.

Mr. LITTLEFIELD. I want the chairman to appreciate our position. We thought it was incumbent upon us, when this testimony appeared in this hearing, to exhaust every proper avenue of cross-examination of this witness. We feel it to be quite important for us to be advised as early as possible of all the possible details that may be involved in this transaction. I shall, of course, be subject to the committee's direction in relation to it; but it seems to us that it is rather incumbent upon us to develop every possible fact that may have any relation to this subject.

The CHAIRMAN. It may be incumbent, unless the committee disregards the entire subject.

Mr. LITTLEFIELD. That may be true; but of course we can not know now whether the committee is going to do that.

The CHAIRMAN. The committee will keep you advised. The committee will make this ruling now: That unless the primary evidence is produced, this secondary evidence will not be received as establishing the fact. That is the proper manner of procedure, I should think.

Mr. MORRIS. Of course I am not saying that these things are facts. I am simply giving conversations.

The CHAIRMAN. The committee so understands it. It is only a question as to whether or not hours shall be spent at this time in doing that which it may not become necessary to do at all.

Mr. LITTLEFIELD. I get the significance of the chairman's suggestion. Then I will suspend my cross-examination upon this particular phase and take up another one, somewhat briefly.

The CHAIRMAN. This witness will be available at any time.

Mr. LITTLEFIELD. Yes; I understand. I will leave this phase of it after having had the witness state again, carefully, just exactly what he says Mr. Cook's conversation was. I want to get it all in concrete shape.

The CHAIRMAN. That would seem to be entirely pertinent cross-examination—as to what Mr. Cook said.

Mr. LITTLEFIELD. I reserve my right to further cross-examine as to the details whenever it may develop that it is necessary.

The CHAIRMAN. Yes.

Mr. LITTLEFIELD. Then, after the witness goes through this, I have another branch of the matter on which I will examine briefly. I wish to be governed by the suggestion of the committee.

The CHAIRMAN. The counsel will be given the fullest opportunity to cross-examine without any unnecessary or unreasonable restrictions. The committee made the suggestion in the interest of saving time.

Mr. LITTLEFIELD. Yes. I appreciated fully the significance of the suggestion; but of course we felt that it was important for us to develop as early as possible everything that might be material and might bear upon the situation from any point of view, so that we may be advised of what we have to meet.

The CHAIRMAN. If it were going to depend upon the testimony of this witness, it would not be very material.

Mr. LITTLEFIELD. I will ask you, then, this question: I have examined you somewhat as to the conversation, but I would like to have you, Governor, put in concrete shape everything that was said by Mr. Cook on that occasion in relation to the Stephenson election. Take your own way, and begin at the beginning, and give it in its chronological order, stating the substance, if you can not give the exact language. Wherever you can give the exact language, you ought to give that. If you can not do so, give us the substance.

Mr. MORRIS. I would not want to undertake to give the exact language at any time. The substance of the conversation with Mr. Cook was simply to the effect that, after Stephenson had failed of election in the legislature, Mr. Hines took the matter up with him, and a sum of money——

Mr. LITTLEFIELD. Mr. Hines took the matter up with Senator Stephenson, you mean?

Mr. MORRIS. Yes; with Senator Stephenson, and a sum of money, approximating a hundred thousand dollars, was raised for the purpose of securing his election in the legislature; and that Shields knew all about it, and that if he would tell, the whole thing could be established. Mr. Cook finally agreed to go to Superior to see Mr. Shields and talk with his partner, and the two of them were to take the matter up with Mr. Shields and endeavor to get him to come out and tell the whole thing as Mr. Cook claimed it existed.

Mr. LITTLEFIELD. Yes, sir.

Mr. MORRIS. Briefly, that is all there is to it.

Mr. LITTLEFIELD. What about Shield's trip to Washington and the blank check? Was that all to go in there, too?

Mr. MORRIS. That information I did not get from Mr. Cook.

Mr. LITTLEFIELD. You did not get that from Mr. Cook?

Mr. MORRIS. I did not testify to that. I got that in another way, at the time.

Mr. LITTLEFIELD. At that time?

Mr. MORRIS. At the time when—well, during the election in the legislature; during the deadlock in the legislature.

Mr. LITTLEFIELD. But you have given, now, substantially everything that took place?

Mr. MORRIS. In substance, that is it.

Mr. Littlefield. Yes, exactly.

Mr. MORRIS. That Shields knew all about this thing; that a sum of money approximating a hundred thousand dollars had been used; and the problem was to get Shields to "squeal," as he put it.

Mr. LITTLEFIELD. Yes. Did he state what Shields said had been done with the money?

Mr. MORRIS. I would not say positively that he said that Shields told him any of this; nor would I say that he did not. My understanding was that it came to Mr. Cook principally through his partner.

Mr. LITTLEFIELD. Did Mr. Cook undertake to state what was to be done or was done with this, approximately, \$100,000 at that time?

Mr. MORRIS. He said, as I remember it, that it was used there, and one of the things it was used for was keeping Democrats out of the joint session on the day that Stephenson was elected.

Mr. LITTLEFIELD. Did he indicate anything else it was used for in that conversation?

Mr. MORRIS. Oh, I think perhaps the special train that brought Reader out was mentioned.

Mr. LITTLEFIELD. That special train was a train concerning which you had evidence before your committee?

Mr. MORRIS. Oh, yes.

Mr. LITTLEFIELD. And it appeared that Shields paid for the train, did it not?

Mr. MORRIS. Yes.

Mr. LITTLEFIELD. And it also appears that nobody else had anything to do with it. Is not that so?

Mr. MORRIS. I do not think so.

Mr. LITTLEFIELD. Did it appear that anybody else had anything to do with it?

Mr. MORRIS. The inference was to be drawn from the absence of evidence.

Mr. LITTLEFIELD. You have given everything that Mr. Cook then said as to the amount to be raised, and the purpose for which it was to be used, or was used, so far as you remember it?

Mr. MORRIS. That is the substance of it.

Mr. LITTLEFIELD. Yes.

Now, where did you get this information in relation to Shields going to Washington and getting the blank check? Through what source did that come to you?

Mr. MORRIS. The fact that Shields was at Washington, if he was there—I do not know whether he was or not——

Mr. LITTLEFIELD. No. I understand that.

Mr. MORRIS (continuing). Was just before the election of Senator Stephenson by the legislature. It was my understanding—it came to me in different ways—that Shields had gone to Washington——

Mr. LITTLEFIELD. No. What I want now is where the information came to you about a blank check having been signed by Senator Stephenson and intrusted to Shields? Where did you first learn about that? Who told you?

Mr. MORRIS. First? The first I heard about it?

Mr. LITTLEFIELD. Yes. That is what I mean. Where did you first learn about that? Who gave you that information?

MR. MORRIS. That is connected with this detective business here in Milwaukee; and I talked with Mr. Kittle about that, and with Mr. Crownhart.

MR. LITTLEFIELD. Is Mr. Kittle the man who first told you that?

MR. MORRIS. I can not say. I will not say that Mr. Kittle told me that.

MR. LITTLEFIELD. Just refresh your recollection. I want you to tell the committee from what source you received that information.

MR. MORRIS. Mr Kittle was the first man who talked with me about that matter.

MR. LITTLEFIELD. I want to get from you, if I can, the source from which you first got the information about this blank check that is said to have been signed by Senator Stephenson and intrusted to Shields. From what source did you first get that information?

MR. MORRIS. That came in connection with this detective work that was being done here.

MR. LITTLEFIELD. Yes. But from what source did it come? Did it come from an individual? Did that information come to you from any individual?

MR. MORRIS. Yes.

MR. LITTLEFIELD. Who is that individual? What is his name?

MR. MORRIS. My best recollection now is that Mr. Kittle told me that, but I am not certain. This thing is a whole network of information, coming to me at different times, from different sources.

MR. LITTLEFIELD. When did you get this information from Mr. Kittle?

MR. MORRIS. It was after the record had been sent down to the senate, and it became known that the senate would investigate this matter, and those who were interested in having the evidence presented to the committee were discussing the subject of having a further investigation; but I have talked with a hundred people about this thing; I have talked with hundreds of people about this thing.

MR. LITTLEFIELD. Are we to understand that you have obtained from a hundred people the information that Shields got a blank check?

MR. MORRIS. What I am giving you now, except where I specify otherwise, is the result of what I have gotten from——

MR. LITTLEFIELD. What I am trying to get at is this: You say that somebody told you, at some time, that Shields had gone to Washington and gotten a blank check from Senator Stephenson.

MR. MORRIS. I can tell you who told me he went to Washington.

MR. LITTLEFIELD. What I want is the name of the man who told you that Senator Stephenson had intrusted to Shields a blank check. What I want to get at is: From whom did you get that information?

MR. MORRIS. I think I got it from Mr. Kittle.

MR. LITTLEFIELD. And through any other source than Mr. Kittle?

MR. MORRIS. I think I got that from Mr. Kittle.

MR. LITTLEFIELD. Are you prepared to say that any other person reported that to you? Because I want to trace this down. I want to know who told you.

MR. MORRIS. I would not say that I did not get it from some other source.

MR. LITTLEFIELD. You would not want to say that you did not?

Mr. MORRIS. I would not want to say that I did not.

Mr. LITTLEFIELD. Is it your recollection that you did?

Mr. MORRIS. My best recollection is that Mr. Kittle told me that. There has been a great deal of talk about this thing here. I have talked with a great many people.

Mr. LITTLEFIELD. Have a great many people informed you that Senator Stephenson intrusted Mr. Shields with a blank check, to be used in connection with his election by the legislature? Do you mean to say that a great many people have told you that?

Mr. MORRIS. Well, I think my first information in reference to Shields going to Washington and seeing the Senator there came from Mr. Crownhart.

Mr. LITTLEFIELD. I refer to intrusting him with the blank check.

Mr. MORRIS. I can not tell you who told me that.

Mr. LITTLEFIELD. Except that Mr. Kittle did? He did, did he not?

Mr. MORRIS. I say I think Mr. Kittle did; but I am not going to say that he did. That came to me as a part of this whole thing.

Mr. LITTLEFIELD. I will ask you this: Is not that a pretty significant statement, that Senator Stephenson intrusted Shields with a blank check to be used in connection with his election in the legislature. Are you so uncertain and indefinite about that that you can not give me the name of the man who told you that?

Mr. MORRIS. That is an important matter, of course.

Mr. LITTLEFIELD. Is it not important for us to trace it?

Mr. MORRIS. Yes. I have no objection to you tracing it——

Mr. LITTLEFIELD. Will you help me trace it?

Mr. MORRIS (continuing). But I am objecting to saying something that I am not certain about.

Mr. LITTLEFIELD. All that you can say about it is——

Mr. MORRIS. I have said to the committee that this whole subject—you may not know it; the committee may not know it—but this whole subject is common information in the State.

Mr. LITTLEFIELD. Do I understand——

Mr. MORRIS. I have talked with hundreds of people about it.

Mr. LITTLEFIELD. Then, do I understand you to come down to this on this question——

Mr. MORRIS (interrupting). This particular transaction, with reference to the detective——

Mr. LITTLEFIELD (interrupting). I am not talking about the detective. I am asking you about this particular proposition.

Do I understand you to come down to this: That the statement that Mr. Shields went to Washington, and Senator Stephenson intrusted him with a blank check to be used in connection with his election in the legislature is a matter of common information?

Mr. MORRIS. Not the blank-check part.

Mr. LITTLEFIELD. Well, come to the blank check. That is what I am trying to find out about.

Mr. MORRIS. I am telling you that I can not tell you who told me that.

Mr. LITTLEFIELD. You state here to the committee——

Mr. MORRIS (interrupting). I state that——

Mr. LITTLEFIELD (interrupting). No. Wait a minute, Governor.

You say here to this committee, as a matter of common rumor, or information, or hearsay, that Mr. Shields went to Washington, and

Senator Stephenson intrusted him with a blank check to use in connection with his election by this legislature; and then you tell the committee that you can not give the source of that information?

MR. MORRIS. I did not mean to say that it was common knowledge that he went to Washington and came back with a check. I do mean to say that it was common knowledge, at that time, that he went to Washington and that he came back with money.

MR. LITTLEFIELD. Oh, yes; but you will be kind enough, Governor, to give me the source of your information for your statement to this committee that Mr. Shields got from the Senator a blank check to be used in connection with his election in the legislature. Give me the source of your information, please.

MR. MORRIS. I have told you——

MR. LITTLEFIELD (interrupting). I want it so that I can trace this down.

MR. MORRIS. I have told you that I think Mr. Kittle told me that.

MR. LITTLEFIELD. Is that the best you can do about it?

MR. MORRIS. That this detective had some information in reference to that matter.

MR. LITTLEFIELD. What detective?

MR. MORRIS. I do not know. The man who wanted us to buy his services.

MR. LITTLEFIELD. The man who wanted you to employ him?

MR. MORRIS. Yes; I do not know who he is.

MR. LITTLEFIELD. That is the best you can do about it?

MR. MORRIS. Yes; that is the best I can do about it, because this man's name was kept from me in the conversation that I had with Mr. Kittle, and in the conversation that I had with Mr. Crownhart. My understanding is that Mr. Crownhart knows who he is.

MR. LITTLEFIELD. Did Mr. Crownhart also put up to you the proposition that Mr. Shields had been there and received this blank check from the Senator? Did Mr. Crownhart make that statement?

MR. MORRIS. I do not think so.

MR. LITTLEFIELD. Can you put your finger on a single man who made it, outside of Mr. Kittle? And as to him you are not certain.

MR. MORRIS. You mean the check?

MR. LITTLEFIELD. I do. That is just what I mean.

MR. MORRIS. No; I can not.

MR. LITTLEFIELD. You can not?

MR. MORRIS. No.

MR. LITTLEFIELD. That, you say, was when?

MR. MORRIS. What?

MR. LITTLEFIELD. The date; the time when that information in relation to that check first reached you. That was some time early in June?

MR. MORRIS. That was since the legislature adjourned. It is since the matter has been with the United States Senate.

MR. LITTLEFIELD. You did not know it when you went to Chicago?

MR. MORRIS. No, sir.

MR. LITTLEFIELD. Have you ever disclosed it until you disclosed it here on the stand?

THE CHAIRMAN. I would like to understand that. Counsel asked whether he did not know in regard to the blank check when he went to Chicago?

Mr. LITTLEFIELD. Yes. That is what I understood him to say.

Mr. MORRIS. No; I did know.

Mr. LITTLEFIELD. Have you ever disclosed this statement about the blank check until you disclosed it here, as a witness on the stand?

Mr. MORRIS (after a pause). Yes; I think I have.

Mr. LITTLEFIELD. You know what I mean by that, I suppose?

Mr. MORRIS. You mean talked it over with anybody?

Mr. LITTLEFIELD. I mean whether you ever made it public.

Mr. MORRIS. Oh, no. No.

Mr. LITTLEFIELD. You have not made it public?

Mr. MORRIS. No.

Mr. LITTLEFIELD. You have been in possession of this information since some time in July?

Mr. MORRIS. Yes.

Mr. LITTLEFIELD. And it is now October. Am I right about that?

Mr. MORRIS. Yes, sir.

Mr. LITTLEFIELD. And you have not made public this statement anywhere?

Mr. MORRIS. I have not made it public.

Mr. LITTLEFIELD. Have you ever communicated it to the investigating committee until you stated it here on the stand?

Mr. MORRIS. I intended——

Mr. LITTLEFIELD (interrupting). Have you? I do not ask what you intended to do.

Mr. MORRIS. I have not.

Mr. LITTLEFIELD. Have you?

Mr. MORRIS. No, sir.

Mr. LITTLEFIELD. You have been in possession of this alleged information something like six months, extremely important in this——

Mr. MORRIS (interrupting). Not six months.

Mr. LITTLEFIELD. Well, three months?

Mr. MORRIS. I said it was since the legislature adjourned.

Mr. LITTLEFIELD. When did the legislature adjourn?

Mr. MORRIS. It adjourned in July.

Mr. LITTLEFIELD. What time in July?

Mr. MORRIS. About the middle of July.

Mr. LITTLEFIELD. You have been in possession of the information all this time?

Mr. MORRIS. I am not in possession of any information now.

Mr. LITTLEFIELD. You have been in possession of what you have communicated to this committee?

Mr. MORRIS. I am not making any charges now.

Mr. LITTLEFIELD. I have not asked you whether you are making any charges. You have stated to this committee that a man, that you now think was Mr. Kittle, told you that Mr. Shields went to Washington and got the Senator's blank check to use in connection with his election in the legislature. You knew that this committee were investigating the question as to whether bribery and corruption had been used in the election of Senator Stephenson, did you not? As lieutenant governor of the State of Wisconsin you knew that, did you not?

Mr. MORRIS. Why, certainly.

Mr. LITTLEFIELD. Did you, in the possession of this information, as lieutenant governor of the State of Wisconsin, give the information to the committee so as to enable them to run that down?

Mr. MORRIS. I did not give the information to the committee, but I can give you the names——

Mr. LITTLEFIELD (interrupting). I just simply asked that question.

Mr. MORRIS. I am not going to be put in a hole.

Mr. LITTLEFIELD. Nobody wants to put you in a hole.

Mr. MORRIS. I can give you the names of several men whom I told that I was going to appear here as a witness and tell the committee about it.

Mr. LITTLEFIELD. One moment. I will put this question to you. I am only asking you to state the facts. Did you in any way, either directly or indirectly, communicate any of these facts to this committee, until you stated them here as a witness on the stand?

Mr. MORRIS. I have had no communication with the committee, and did not intend to have any.

Mr. LITTLEFIELD. There was no string on that information, was there?

Mr. MORRIS. I did intend to appear here and testify.

Mr. LITTLEFIELD. I did not ask you that. I simply asked you if you did. You say you did not. That is right, is it not?

Mr. MORRIS. Yes.

Mr. LITTLEFIELD. Very well. Was there any string on that information?

Mr. MORRIS. None at all.

Mr. LITTLEFIELD. Give all the conversation that took place with Mr. Kittle, when you say he referred to the fact that Mr. Shields had gone to Washington and got this blank check from Senator Stephenson to use in connection with his election in the legislature. State all the conversation and state, in the first place, whether or not anybody else was present.

Mr. MORRIS. My first information with regard to that matter——

Mr. LITTLEFIELD. In the first place, Governor, please state whether or not anyone was present in this conversation that took place in relation to this check between yourself and Mr. Kittle. That simply calls for an answer as to whether or not anyone besides you and he were present. Was anyone else present, or do you not remember?

Mr. MORRIS. I have not testified, and do not intend to testify, that Mr. Kittle is the man who told me about that check, and——

Mr. LITTLEFIELD. I do not ask you——

Mr. MORRIS. And therefore I can not say who was present.

Mr. LITTLEFIELD. So that you leave me in this position, do you? You come here and state, as a matter of hearsay, to this committee that Senator Stephenson is charged by rumor with giving a blank check to Mr. Shields for use in connection with his election in the legislature, and you are not able to give me the source of your information so that I can trace it down, or you decline to do so, one or the other. Is that what you do?

Mr. MORRIS. I am simply saying that I am informed that a certain individual here in the city of Milwaukee, who, as I understand it, is a detective, has been working on this matter and claims to be in possession of certain evidence. That is one of the things.

Mr. LITTLEFIELD. Yes; but you are not prepared to say by whom you are informed, are you? If you are, state it.

Mr. MORRIS. I will say this, that my first information with reference to the matter came to me in the form of a letter received from Mr. Kittle.

Mr. LITTLEFIELD. Have you got that letter?

Mr. MORRIS. No; I have not.

Mr. LITTLEFIELD. Where is it?

Mr. MORRIS. I do not know.

Mr. LITTLEFIELD. Have you ever seen it since you received it?

Mr. MORRIS. I do not know.

Mr. LITTLEFIELD. Can you find it?

Mr. MORRIS. I do not know.

Mr. LITTLEFIELD. Do you have any idea where it is?

Mr. MORRIS. I think I destroyed it at the time.

Mr. LITTLEFIELD. Oh! You do? You destroyed it at the time?

Mr. MORRIS. I have not said that.

Mr. LITTLEFIELD. One moment. When I asked you where it was, you did not at first know; but you now think you destroyed it at the time. Is that it? What do you say about that?

Mr. MORRIS. I do not know what became of it.

Mr. LITTLEFIELD. You do not? You just said you think you destroyed it?

Mr. MORRIS. It may be in my files.

Mr. LITTLEFIELD. Hold on. What do you mean by this statement, that you think you destroyed it at the time? And now you tell me that it may be in your files. What do you mean by that, Governor?

Mr. MORRIS. I mean to say this: I mean to say that I received a letter from Mr. Kittle informing me that he had been informed by this man Sanderson that there was a man here in Milwaukee who had been working on this matter, and was in possession of certain information. Now, I do not know what became of that letter; but I subsequently talked with Mr. Kittle—

Mr. LITTLEFIELD. One minute. Do you now say that you think you destroyed it? Or do you take that statement back?

Mr. MORRIS. I do not say anything. I do not know anything about it.

Mr. LITTLEFIELD. Well, sir, did you not say, within the last five minutes, that—

The CHAIRMAN. The record will speak for itself on that, Mr. Littlefield.

Mr. LITTLEFIELD. I will ask you this, then: Do you now say that you did not destroy it?

Mr. MORRIS. I say I received the letter, and that I do not know where it is, or what became of it.

Mr. LITTLEFIELD. I ask you whether you now say that you do not think you destroyed it? Is that question clear and plain?

Mr. MORRIS. No; I will not say.

Mr. LITTLEFIELD. You will not? If you did not destroy it, where do you think it is?

Mr. MORRIS. If I have it, it is in my letter file.

Mr. LITTLEFIELD. In your letter file?

Mr. MORRIS. Yes.

Mr. LITTLEFIELD. Will you examine your letter file?

Mr. MORRIS. Certainly.

Mr. LITTLEFIELD. And give us the result of that examination?

Mr. MORRIS. Yes, sir.

Mr. LITTLEFIELD. Do you now say that your informant as to this check was Mr. Kittle, or what do you say about that?

Mr. MORRIS. No, sir; I do not.

Mr. LITTLEFIELD. Do you propose to leave me, after you have made this statement based upon general rumor, without the source of your information as to that check? Do you think that is a proper attitude to leave us in?

Mr. MORRIS. I propose to leave you just where my memory leaves off.

Mr. LITTLEFIELD. Yes?

Mr. MORRIS. Nowhere else.

Mr. LITTLEFIELD. I see. That leaves us where we can not get the source of your information. That is the kind of memory you have?

Mr. MORRIS. That is like your accounts of the expenditure of money.

Mr. LITTLEFIELD. It is, eh? It is like some other accounts.

The CHAIRMAN. Well, now, gentlemen——

Mr. LITTLEFIELD. When this witness goes out of his way for the purpose of undertaking to reply to me I want to read some of his own testimony.

The CHAIRMAN. Controversies of that kind between counsel and the witness are not orderly.

Mr. LITTLEFIELD. Did I begin it, if the chairman please?

The CHAIRMAN. I do not care to be interrogated about it. I merely make the statement that controversies of that sort are not orderly.

Mr. LITTLEFIELD. I would like to show this witness what he swore to himself.

The CHAIRMAN. That can be done without a controversy with the witness.

Mr. LITTLEFIELD. How about a sum of money—\$25—that you expended for Mr. Hatton?

Mr. MORRIS. Do you mean among voters? I expended no money for Mr. Hatton among voters.

Mr. LITTLEFIELD. I will tell you what I mean. I mean this, sir, reading from page 4244 of the proceedings of the joint committee:

Q. Now, I ask that with reference to spending the senatorial candidate's money—not your own money?—A. I think it's wrong.

Q. And if you had to do this over again you wouldn't spend that \$25 for Senator Hatton?—A. No, sir; I would not.

That is what I mean. That is your testimony, is it not?

Mr. MORRIS. Yes.

Mr. LITTLEFIELD. So that you did spend \$25 that you thought was wrong, although not at that time?

Mr. MORRIS. Not among voters.

Mr. LITTLEFIELD. You have since discovered that it was?

Mr. MORRIS. Was what?

Mr. LITTLEFIELD. Was wrong.

Mr. MORRIS. I did not spend a cent of Senator Hatton's money and did not say so, among voters.

Mr. LITTLEFIELD. Was this your testimony——

Mr. MORRIS. I got out some handbills; paid the printing bill and the postage bill and distributed the handbills.

Mr. LITTLEFIELD. Was this your testimony—reading from page 4244 of the same record—

Q. Now, I ask that with reference to spending the senatorial candidate's money—not your own money?—A. I think it's wrong.

Did you say that?

Mr. MORRIS. Yes; I think it is wrong; yes.

Mr. LITTLEFIELD. Was it true then?

Mr. MORRIS. I think so now.

Mr. LITTLEFIELD (reading):

Q. And if you had to do this over again you wouldn't spend that \$25 for Senator Hatton?—A. No, sir; I would not.

Is that true?

Mr. MORRIS. That is true; but the record shows what that money was spent for.

Mr. LITTLEFIELD. I am not going into that.

Mr. MORRIS. It was for a handbill that was circulated among the voters—printing bill and postage.

Mr. LITTLEFIELD. And you say this—

Mr. MORRIS (interrupting). And it was clearly shown what it was paid for.

Mr. LITTLEFIELD. You said it was wrong to do it in that way?

Mr. MORRIS. I think it is wrong; yes. But I spent no money for any candidate among the voters. No voter received a dollar.

Mr. LITTLEFIELD. That is, you did not bribe anybody?

Mr. MORRIS. I did not pay out any money in that campaign or in any other campaign to voters.

Mr. LITTLEFIELD. Where was this conversation that took place in relation to the \$7,500 and the \$15,000 with Mr. Shields? Where did that take place?

Mr. MORRIS. Mr. Cook—

Mr. LITTLEFIELD. Where did the conversation in relation to Mr. Shields claiming \$15,000 and afterwards taking \$7,500 take place and with whom?

Mr. MORRIS. My understanding of this was that it probably took place in Chicago.

Mr. LITTLEFIELD. At the time you had the original conversation?

Mr. MORRIS. Mr. Shields told us about that at the time we had the original conversation.

Mr. LITTLEFIELD. You mean Mr. Cook?

Senator POMERENE. You said "Mr. Shields." Did you mean that?

Mr. MORRIS. Mr. Cook.

Mr. LITTLEFIELD. He meant Mr. Cook.

Mr. MORRIS. Yes.

Mr. LITTLEFIELD. That is, Mr. Cook gave you that detail at the time you had that conversation in Chicago?

Mr. MORRIS. Yes, sir.

Mr. LITTLEFIELD. I would like to come back and get the conversation, if I can, in which you claim you received this information about this check. I do not care whether you locate it on Mr. Kittle or locate it on somebody you do not remember. It may be that you do not remember the conversation.

Do you remember the conversation that took place at the time you got this information about this check?

MR. MORRIS. No, sir; I do not. I had supposed, in the beginning, that this money—

MR. LITTLEFIELD. I object to the supposition of this witness going into this case as evidence, Mr. Chairman.

MR. MORRIS. All right. I do not know, then.

MR. LITTLEFIELD. Do I understand that it was a matter of common knowledge that Mr. Shields came back from Washington with money, outside of the check?

MR. MORRIS. I think it was generally known or understood in the legislature, that he went there and came back with some money, and announced—or it was announced, anyway, that the election would be “put over,” as they put it, on a certain day; and the quorum was broken on that day, and it was not put over.

MR. LITTLEFIELD. Can you tell me from whom you got that information?

MR. MORRIS. Oh, I think that was general talk around there.

THE CHAIRMAN. It was generally talked around there?

MR. MORRIS. Yes.

MR. LITTLEFIELD. That Mr. Shields had come back from Washington with money, for the purpose of influencing this election, and that it was before the election took place?

MR. MORRIS. I told you, some time ago, that I think the man I first heard that from, that Shields had been down there and come back with money, or probably come back with money, was Crownhart?

MR. LITTLEFIELD. Was that a matter of common report before the Senator was elected?

MR. MORRIS. Then we got to talking about it.

MR. LITTLEFIELD. Was that a matter of common report? Did you get that information from Crownhart while the election was pending?

MR. MORRIS. Oh, yes; that was while the election was pending.

MR. LITTLEFIELD. That was an important fact bearing upon the election of the Senator, was it not?

MR. MORRIS. Certainly.

MR. LITTLEFIELD. Crownhart talked that matter over with you before the Senator was elected? Is that right?

MR. MORRIS. I think so. It was about that time, anyway.

MR. LITTLEFIELD. Your committee, of which Mr. Marsh was the chairman, continued its sessions at Madison some considerable time after the election of the Senator?

MR. MORRIS. Yes; and we at once subpoenaed Senator Stephenson and he refused to come before us, although he had previously—

MR. LITTLEFIELD. Just a moment. Do you really think that is a proper answer? You are a good lawyer, Mr. Morris. I did not ask you that. I will ask the reporter to read the question and when it is read, I should like to have the witness state if he does not know that that is an improper answer?

(As requested, the reporter read as follows:)

Mr. LITTLEFIELD. Your committee, of which Mr. Marsh was the chairman, continued its sessions at Madison some considerable time after the election of the Senator?

Mr. MORRIS. Yes; and we at once subpoenaed Senator Stephenson, and he refused to come before us, although he had previously—

Mr. LITTLEFIELD. I move that that part of the answer be struck out.

The CHAIRMAN. The motion will be noted. The committee does not care to have Mr. Morris asked his opinion upon a matter of law.

Mr. LITTLEFIELD. That may be quite true; but if it appears that Mr. Morris is continually injecting and volunteering matters into this examination—

The CHAIRMAN. The committee will protect counsel if he raises an objection in the proper manner. But to have the witness asked whether he thinks a thing is right, is not proper. The committee will pass on that.

Mr. LITTLEFIELD. Except that I submit this, if the chairman pleases: I think it shows the attitude of the witness, and his interest or bias in the matter if it becomes a question of whether or not his statements are to be relied upon. I submit that it is a matter of common, ordinary inference when a witness who is interrogated undertakes to argue the case, and anticipates, and clearly and obviously volunteers, that he is doing it from a motive that is ulterior to that of answering the questions properly.

The CHAIRMAN. But his opinion is not the opinion that governs.

Mr. LITTLEFIELD. No; that is quite true. But if Mr. Morris knows that that was not a proper answer to my question, as I think he does, I should like to have him state it.

The CHAIRMAN. It is not proper to ask him whether he knows it or not. His knowledge on that subject is not material to anybody.

Mr. LITTLEFIELD. Except as it bears upon his deliberately injecting into this case testimony that he knows is not proper.

The CHAIRMAN. That is a matter of argument for counsel.

Mr. LITTLEFIELD. I think I can bolster up that argument by the opinion of the governor himself.

The CHAIRMAN. We will not have any opinion from the witness on the stand as to whether the answer is right or wrong.

Mr. LITTLEFIELD. Very well, Mr. Chairman; I will not spend time on it.

(By request, the reporter read as follows:)

Mr. LITTLEFIELD. Your committee, of which Mr. Marsh was the chairman, continued its sessions at Madison some considerable time after the election of the Senator?

Mr. LITTLEFIELD. What do you say in answer to that?

Mr. MORRIS. Yes.

Mr. LITTLEFIELD. And the senate committee continued its sessions quite a long time after that, even?

Mr. MORRIS. I thought you meant the senate committee.

Mr. LITTLEFIELD. No; I meant the joint committee, first.

Mr. MORRIS. I do not remember—

Mr. LITTLEFIELD. As I understand it—I may be wrong about it——

Mr. MORRIS. I do not remember whether the joint committee did or not. The senate committee did.

Mr. LITTLEFIELD. We will not have any misunderstanding about it. My recollection was this: That the joint committee continued its sessions until some time in the middle of April, the election having taken place on the 4th of March; and that after that the senate committee continued further examination on its own account.

Mr. MORRIS. I think that is right.

Mr. LITTLEFIELD. So that in any event the investigating committee on the part of the Wisconsin senate, either the joint or the senate committee was in session, say, two or three months after the Senator's election. What I want to ask you is, you being in possession of the information that it was common knowledge that Mr. Shields came from Washington with money for the purpose of influencing the election of the Senator, and that you had information, at least from Mr. Crownhart, whether your committee made any effort of any kind to investigate that rumor, and called any witness on that point?

Mr. MORRIS. Do you want me to answer that "yes" or "no"?

Mr. LITTLEFIELD. Yes. I do not ask you about the "whys." I simply ask you what the fact is. The fact is that they did not, is it not? Is not that so?

Mr. MORRIS. The fact is that they did not call Mr. Crownhart.

Mr. LITTLEFIELD. Is it not the fact that they did not——

Mr. MORRIS. That they did not call any witness?

Mr. LITTLEFIELD. Is it not a fact that your record does not disclose anywhere from any witness anything that relates to this subject that you now say was a matter of common rumor before the legislature at that time?

Mr. MORRIS. I could not answer that; I do not know. Certainly Mr. Crownhart——

Mr. LITTLEFIELD. I will ask you to do this, then; I will not pursue that any further. I will lend you my copy of the evidence, if you would like it. I should like to have you examine it with care.

Mr. MORRIS. I have not examined the evidence since.

Mr. LITTLEFIELD. I say, I will submit my copy to you, and ask you to examine it with care, and then to call the attention of the committee to such portion of that record as shows that the committee were investigating this subject which you say was a matter of common rumor at that time, if you will do that—look the record up.

Mr. MORRIS. I do not say that there was any evidence. I do say that this is the fact——

Mr. LITTLEFIELD. One moment; I object. I have not asked you any question.

Mr. MORRIS. All right.

The CHAIRMAN. I think the witness may continue to make the statement, if it was in response to a question that had been asked.

Mr. LITTLEFIELD. It was not in response to a question, I submit.

The CHAIRMAN. Let us hear the last statement by counsel.

The reporter read as follows:

Mr. LITTLEFIELD. I say, I will submit my copy to you, and ask you to examine it with care, and then to call the attention of the committee to such

portion of that record as shows that the committee were investigating this subject which you say was a matter of common rumor at that time, if you will do that—look the record up.

The CHAIRMAN. The question called for a fact as to whether they were investigating. It did not call for the evidence. The witness may answer as to whether or not, as a matter of fact, they were investigating or proceeding to investigate anything relative to this matter.

Mr. MORRIS. As I say, there perhaps is not any record evidence of any effort on our part to run this thing down, but as a matter of fact—

Mr. LITTLEFIELD. Now—

The CHAIRMAN. That is what counsel asked for—the fact.

Mr. LITTLEFIELD. Yes.

The CHAIRMAN. And the witness may answer it.

Mr. LITTLEFIELD. I submit, if the chairman pleases, that I was asking about the investigations of the committee.

Senator POMERENE. That is what he is giving.

Mr. MORRIS. As a matter of fact, the members of the committee have been at work on that thing ever since. We tried to get Shields. He was out of the State. We tried to subpoena Senator Stephenson, and he would not come. We tried to get Mr. Sacket and others.

The CHAIRMAN. Name the others.

Mr. MORRIS. Mr. Pulicher. This investigation has been carried on on our own account by the different members of the committee trying to devise some way to get this man Shields where we could make him tell what he knows about this thing. But he was out of the State all the time, and we never were able to get him.

Mr. LITTLEFIELD. Are the statements you are now making true of all the committee?

Mr. MORRIS. I am telling what we have done—what I have done.

Mr. LITTLEFIELD. Yes; I understand, but were all the committee engaged in this. Do you mean Senator Marsh, Senator Husting, Representative Hambrecht, Representative—

The CHAIRMAN. Let me correct counsel. They are not members of this committee.

Mr. LITTLEFIELD. They are members of the joint committee, if the chairman please.

The CHAIRMAN. Excuse me—the joint committee has expired.

Mr. LITTLEFIELD. Yes; but—

The CHAIRMAN. Let me make this plain without argument. The report is signed by the three members of the committee. I will refer counsel to the page in a moment. On page 2273 all of the members of the committee that was then investigating signed this report. There were three of them. The joint committee expired by the terms of its creation, and then a committee of the senate members was appointed. They were Mr. Marsh, Mr. Morris, and Mr. Husting. On page 2273 of their record they make their report and sign it on the 10th day of January, 1911. That is, on the 10th day of January of this year this report was signed. The other committee expired in March, 1909.

Mr. LITTLEFIELD. I beg the chairman's pardon; I have right here before me the record showing, on page 4604 (if the chairman will follow me) that the last meeting of the other committee was April 12, 1909. This witness has already testified that Mr. Crownhart,

for one, called his attention to these rumors before the Senator was elected. The Senator was elected on the 4th day of March, 1909. The joint committee continued to act until April 12, 1909—more than a month after the Senator was elected. They were in session when Mr. Crownhart made his statement. I say "in session." Of course they were continuing the sessions. They were in session as a joint committee when Mr. Crownhart made his statement to the governor. The senate committee came afterwards. I think I am right about the chronology, if the chairman pleases.

The CHAIRMAN. I was not referring to anything Mr. Crownhart did. I was referring to the proceedings connected with Mr. Hines, Mr. Shields, and others.

Mr. LITTLEFIELD. Yes; I understand.

The CHAIRMAN. This was within the last six months.

Mr. LITTLEFIELD. Then the chairman did not have in mind the period about which I was examining.

The CHAIRMAN. I had in mind what the witness was saying.

Mr. LITTLEFIELD. The period about which I was examining was the period when the joint committee was in existence, up to April 12, 1909, Mr. Crownhart having, before the Senator was elected on March 4, 1909, stated to you these rumors in substance. I am correct in my chronology, am I not, Governor?

Mr. MORRIS. I think so; yes.

Mr. LITTLEFIELD. You say that the committee individually were investigating this matter. Do I understand by that that you mean the senate committee only, or that the house committee then in existence were also investigating it?

Mr. MORRIS. I do not know anything about the house committee.

Mr. LITTLEFIELD. You were a part of the general committee? You were one of the three that went to make up the committee of eight?

Mr. MORRIS. Yes, sir.

Mr. LITTLEFIELD. Do you not know whether the members of the house committee were in possession of this information in relation to Mr. Shields returning from Washington with money to influence the election? Do you not know whether they were or not?

Mr. MORRIS. I do not know.

Mr. LITTLEFIELD. Is it a fact that the senate members of this committee were in possession of this rumor or this information from Mr. Crownhart, but did not communicate it to the members of the house committee, who were equally charged by the legislature to investigate the election of Senator Stephenson, and were then discharging that duty? Is it a fact that the senate members of the committee had that information and did not communicate it to the house members?

Mr. MORRIS. I do not know whether they did or not. I know that I did not.

Mr. LITTLEFIELD. You know that you did not?

Mr. MORRIS. No.

Mr. LITTLEFIELD. And you do not know that any of the rest of them did?

Mr. MORRIS. I do not know what they did.

Mr. LITTLEFIELD. You say Saunderson claims to have some further information. Where did you get that information—that Saunderson claims to have further information? How did you get that?

The CHAIRMAN. The hour of adjournment having arrived, the committee will stand adjourned. Before adjourning, however, I will swear some of the witnesses.

(The names of George E. Dee, M. C. Ring, and Walter Alexander were called. Mr. Dee and Mr. Ring responded, and the oath was duly administered to them by the chairman.)

The CHAIRMAN. You will be in attendance to-morrow morning. The committee will stand adjourned until 10 o'clock to-morrow.

(Whereupon at 4 o'clock and 37 minutes p. m., the subcommittee adjourned until to-morrow, October 18, 1911, at 10 o'clock a. m.)

WEDNESDAY, OCTOBER 18, 1911.

FEDERAL BUILDING,
Milwaukee, Wis.

The subcommittee met at 10 o'clock a. m.

Present: Senators Heyburn (chairman) and Pomerene.

Present also: Mr. C. E. Littlefield, Mr. W. E. Black, and Mr. H. H. J. Upham, counsel for Senator Isaac Stephenson.

The names of Walter Alexander, Earl Morgan, P. F. Leuch, J. A. Domachowski, J. T. Farrell, and Fred R. Zimmermann were called. Mr. Morgan, Mr. Leuch, Mr. Domachowski, and Mr. Farrell responded, and were duly sworn by the chairman.

TESTIMONY OF THOMAS MORRIS—Resumed.

The CHAIRMAN. Do you desire to cross-examine Mr. Morris further at this time?

Mr. LITTLEFIELD. Yes, Mr. Chairman.

The CHAIRMAN. I think it proper to say at this time that it had been the intention of the committee to open the subject upon which Mr. Morris is being examined after completing the testimony in regard to the primaries. The subject is not new to the committee, and the witnesses have been subpoenaed for the purpose of testifying in connection with those allegations. But it was not intended to take up the proceedings before the legislature itself, except as they came up in a casual or general way, until after completing the investigation of the direct primary. The allegations that were made yesterday by the witness, Gov. Morris, had come to the attention of the committee before coming to Milwaukee, and the witnesses supposed to testify have been summoned. Some new suggestions came from the witness yesterday, and will be properly taken notice of by the committee, and other witnesses summoned. The committee has communicated with some of them, who will be here.

Mr. LITTLEFIELD. I shall make my cross-examination this morning very brief.

The CHAIRMAN. I make this suggestion because counsel doubtless will have occasion to go over this question when it comes up regularly for consideration. If counsel will make the examination now as brief as convenient the witnesses will be recalled in order that they may be heard, if it is necessary, after the primary evidence is produced, if there is any primary evidence.

Mr. LITTLEFIELD. I have been proceeding with my cross-examination on that hypothesis.

The CHAIRMAN. With that understanding counsel may proceed.

Mr. LITTLEFIELD. I have left out some subject matters that otherwise I should have gone over.

I will have you finish the examination where we left it last night, Governor, if you please. I will read the last question:

"You say Saunderson claims to have some further information. Where did you get that information—that Saunderson claims to have further information? How did you get that?"

Mr. MORRIS. From Mr. Kittle.

Mr. LITTLEFIELD. From Mr. Kittle; and any other source?

Mr. MORRIS. I think that information came from Mr. Kittle alone.

Mr. LITTLEFIELD. Have you a recollection now as to when?

Mr. MORRIS. I had several conversations with Mr. Kittle.

Mr. LITTLEFIELD. Prior or subsequent to making the trip to Chicago—I mean in relation to this matter?

Mr. MORRIS. Oh, that was since.

Mr. LITTLEFIELD. That was since?

Mr. MORRIS. Yes.

Mr. LITTLEFIELD. That is, the conversation with Kittle?

Mr. MORRIS. The conversation with Mr. Kittle was since the legislature adjourned. All of them were.

Mr. LITTLEFIELD. And Mr. Kittle is the only man that you remember as giving you this information in regard to Saunderson?

Mr. MORRIS. I also talked over the matter in part with Mr. Crownhart, but the information came from Mr. Kittle.

Senator POMERENE. You talked that over in part with whom?

Mr. MORRIS. Mr. Crownhart. I think the only phase of the subject that I talked over with Mr. Crownhart was with reference to the employment of this man to investigate the matter. That is my best recollection. I may have talked over the whole subject with him, but I am not clear with reference to that.

Mr. LITTLEFIELD. Is it your recollection that the conversation with Mr. Cook in Chicago occurred either before or after Mr. Cook was a witness before the Lorimer committee and made his statement?

Mr. MORRIS. It occurred after.

Mr. LITTLEFIELD. It occurred after?

Mr. MORRIS. Yes; in a very short time.

Mr. LITTLEFIELD. You are not now confusing the Lorimer committee with the Helm committee, are you, Governor? Mr. Cook was also a witness before what is known as the Helm committee—the Helm committee being a committee investigating on the part of the Illinois Legislature, as I understand it.

Mr. MORRIS. I mean the Helm committee.

Mr. LITTLEFIELD. Oh! You mean the Helm committee?

Mr. MORRIS. Yes.

Mr. LITTLEFIELD. Not the Senate committee? When I spoke of "the Lorimer committee" I meant the Senate investigation.

Mr. MORRIS. I mean the Helm committee.

Mr. LITTLEFIELD. Is it your recollection, then, that the conversation that you had with Mr. Cook occurred prior to Mr. Cook's testimony before the senatorial committee; that is, would that be your recollection?

The CHAIRMAN. Does counsel mean since the adjournment of the Senate? That committee did not sit until after Congress adjourned.

Mr. LITTLEFIELD. I have the testimony in my hands, and I wanted to see—

The CHAIRMAN. I wanted the date straightened out.

Mr. LITTLEFIELD. My memory is not distinct about the adjournment of the Senate; but I have the exact dates here, whatever they may be. As I understand it, the only time Mr. Cook testified before the Lorimer committee of the Senate—I am speaking now of the Senate of the United States—was during the past summer.

The CHAIRMAN. What was the date?

Mr. LITTLEFIELD. It was June 27, 1911.

What I want to get from the senator is whether he recollects whether at the time he had this conversation with Mr. Cook in Chicago, Mr. Cook had or had not testified before the United States Senate committee. I will denominate that as the Senate committee, as distinguished from the Helm committee. What is your memory about that, Governor?

Mr. MORRIS. I do not know. I am very certain that it was within a few days after he had testified before the Helm committee.

Mr. LITTLEFIELD. Before the Helm committee?

Mr. MORRIS. The Helm committee; yes.

Mr. LITTLEFIELD. But do you remember as to whether or not he had testified before the United States Senate committee?

Mr. MORRIS. No; I do not.

Mr. LITTLEFIELD. You do not recollect about that? You have no present recollection, of course, as to when the Helm committee was sitting. I have not any knowledge about that, either.

There are one or two matters here that I should like to have you a little more definite about, if you can be, Governor.

In your direct examination you state that Mr. Cook said that the arrangement was finally agreed upon, and that Mr. Shields and another party whose name he did not give, as you remember—at any rate, whose name at this time you do not recall—took charge of the matter. I wish you would refresh your recollection carefully, so as to be able to state to the committee, first, whether he gave any name?

Mr. MORRIS. I do not think he gave any name.

Mr. LITTLEFIELD. You do not think he gave any name?

Mr. MORRIS. I do not think he did, except Mr. Shields's.

Mr. LITTLEFIELD. Yes; to be sure. That is what I mean. I want to know whether he gave any name under the designation of "another party"?

Mr. MORRIS. I do not think he did.

Mr. LITTLEFIELD. Is your recollection about that conversation sufficiently distinct that you are prepared to say that he did not give the name of the other party?

Mr. MORRIS. That is my best judgment.

Mr. LITTLEFIELD. Are you able to testify to that with positiveness?

Mr. MORRIS. No, sir.

Mr. LITTLEFIELD. You stated, also, that as the result of some adjustment with Mr. Shields, Mr. Shields was to receive \$7,500 for his services and a certain line of fire insurance. What was that line of fire insurance?

Mr. MORRIS. Why, I do not know.

Mr. LITTLEFIELD. Do you wish to be understood as saying that Mr. Cook stated in substance that Shields was to get a certain line of fire insurance, without indicating what it was—or do you not remember?

Mr. MORRIS. My understanding of it is, or was—I do not know that it was discussed there; but, anyhow, it was my impression that Mr. Shields was engaged in the insurance business in part, and that he was to have certain insurance which Mr. Hines—

Mr. LITTLEFIELD. That is, that Mr. Cook—

The CHAIRMAN. Let the witness state who his understanding was from.

Mr. LITTLEFIELD. Your recollection is, then, as I understand it, that Mr. Cook stated that as a part of the adjustment with Mr. Shields, Shields was to have not only the \$7,500, but a certain line of insurance?

Mr. MORRIS. Yes.

Mr. LITTLEFIELD. Without making it any more definite than that?

Mr. MORRIS. Without making it any more definite. I took it for granted that he was in the insurance business there.

Mr. LITTLEFIELD. I suppose you knew that Mr. Shields was an insurance man in Superior? You knew enough about Mr. Shields to know that, I suppose?

Mr. MORRIS. I knew that; yes.

Mr. LITTLEFIELD. That is, Mr. Shields is not an unknown man? He is a well-known man, and is an insurance agent in Superior.

Did you inquire what line of insurance he was to have?

Mr. MORRIS. No.

Mr. LITTLEFIELD. You made no inquiry?

Mr. MORRIS. No.

Mr. LITTLEFIELD. And Mr. Cook made no statement other than that it was a certain line? Is that it?

Mr. MORRIS. I do not recall that he did.

Mr. LITTLEFIELD. Is it your recollection that that was the fact?

Mr. MORRIS. I think it was stated substantially that way. It was finally settled on the basis of \$7,500, and he was to have certain insurance.

Mr. LITTLEFIELD. Without any statement as to what particular line?

Mr. MORRIS. No.

Mr. LITTLEFIELD. Was Senator Marsh, who testified here yesterday, in possession of the same facts in relation to your conversation with Mr. Cook and the rumors or statements, or whatever they may have been, with reference to the blank check and the bringing of money from Washington by Mr. Shields, that you were, so far as you know?

Mr. MORRIS. I never told Senator Marsh about it. So far as I know, he did not know anything about it.

Mr. LITTLEFIELD. As I understand it, then, you never communicated any of these facts to Senator Marsh?

Mr. MORRIS. No, sir.

Mr. LITTLEFIELD. I got the impression, Governor, that you stated that the three senate members of the joint investigating committee knew about these rumors in connection with Mr. Shields, and had talked it over among themselves. I may be mistaken about that.

Mr. MORRIS. My evidence in that respect referred to the rumors at Madison, while the legislature was in session, with reference to Mr. Shields having gone to Washington to meet Senator Stephenson.

Mr. LITTLEFIELD. And having come back with money?

Mr. MORRIS. Yes. I think Senator Marsh knew about that.

Mr. LITTLEFIELD. Had you talked that over with Senator Marsh?

Mr. MORRIS. Recently?

Mr. LITTLEFIELD. No; at any time?

Mr. MORRIS. I suppose we did.

Mr. LITTLEFIELD. While this legislature was in session in 1909, and while the joint investigating committee were in session also?

Mr. MORRIS. I think we talked it over. I think he knew it.

Mr. LITTLEFIELD. You have no doubt, then, that when Senator Marsh testified here yesterday, he knew of the prevalence of these rumors in relation to Mr. Shields and his going to Washington and returning with money for use in the senatorial campaign? You know that Senator Marsh knew about those facts, do you not?

Mr. MORRIS. I only know it in this way: I think that was really a matter of, you might say, common knowledge as to those who were interested in the investigation.

Senator POMERENE. You speak of common knowledge. Do you mean that as common report, or actual knowledge?

Mr. MORRIS. Not in a public sense, no; but common knowledge to those who were interested in investigating this matter.

Mr. LITTLEFIELD. Perhaps this will bring it closer: Did you or did you not discuss that particular subject matter at that time with Senator Marsh?

Mr. MORRIS. I could not say that I did. I do not know that I did.

Mr. LITTLEFIELD. You do not know that you did?

Mr. MORRIS. No.

Mr. LITTLEFIELD. Is it your best recollection that you did not?

The CHAIRMAN. Is this for the purpose of testing Mr. Marsh's testimony, or laying the foundation to attack it?

Mr. LITTLEFIELD. This is for the purpose, in the first instance, of testing the recollection of this witness, if the chairman please.

The CHAIRMAN. As to whether he talked with Senator Marsh about it or not?

Mr. LITTLEFIELD. Yes. There is an important fact involved in this, as to when it was first disclosed. My recollection is, I will state frankly, that the witness has stated several times that he talked it over with Senator Marsh.

The CHAIRMAN. Why have you not stated—

Mr. LITTLEFIELD. I want to get his recollection this morning. He seems to be in doubt about it. I want him now to state.

The CHAIRMAN. I will ask counsel not to prolong it. This examination has continued for 20 minutes, and it is not the intention of the committee to go any further into this matter until we have finished the other matters referred to.

Mr. LITTLEFIELD. I will leave this branch of it with that question. What do you say to that question?

(By request, the reporter read the pending question, as follows:)

Mr. LITTLEFIELD. Is it your best recollection that you did not?

Mr. LITTLEFIELD. That you did not talk it over with Senator Marsh at that time?

The CHAIRMAN. Just answer yes or no. That will dispose of that question.

Mr. MORRIS. I really do not know.

The CHAIRMAN. The witness says he does not know.

Mr. LITTLEFIELD. Yes. I understand he does.

Mr. MORRIS. I think Senator Marsh knew it.

The CHAIRMAN. If you say you do not know, that is your answer. But if you do know, tell what you know.

Mr. MORRIS. I do not know that I talked that matter over with Senator Marsh at that time.

The CHAIRMAN. If you do not know whether you did or not, that is the answer. It is not necessary to go further with it.

Mr. LITTLEFIELD. I do not understand that Mr. Cook said anything about this blank check?

Mr. MORRIS. No, sir.

Mr. LITTLEFIELD. Or any check?

Mr. MORRIS. No, sir.

Mr. LITTLEFIELD. You made reference to a letter that was said to have been written by Mr. Cook after he returned to Duluth. I have forgotten, now, to whom you said that letter was addressed. To whom was that addressed? Let me call your attention to it, as it lies in my mind. I may not be right about it.

I understand you left Chicago on the train with Mr. Cook, Mr. Husting being with you; that Mr. Cook was on his way to Duluth; and that, after he reached Duluth, a letter was received from Mr. Cook. I do not remember now to whom you say it was sent.

Mr. MORRIS. I do not think I said exactly that. I said that we came up on the train together, and Mr. Cook agreed to write to Mr. McCordic—and that is the name of the attorney in Chicago, by the way, I have learned since—

Mr. LITTLEFIELD. Yes. So have I.

Mr. MORRIS. And Mr. McCordic was to write to Mr. Titus and let him know the result of his interview with Mr. Shields.

Mr. LITTLEFIELD. Do you know whether Mr. Cook did write such a letter?

Mr. MORRIS. My recollection is that subsequently Mr. Titus said he had received a letter from Mr. McCordic saying that he had received a letter from Mr. Cook saying that Mr. Shields had, I think, gone to Canada, or something like that.

Mr. LITTLEFIELD. Did you see the letter that Mr. Titus had?

Mr. MORRIS. No, sir.

Mr. LITTLEFIELD. Has not Mr. Titus's physical and mental condition been extremely poor during the last year or year and a half?

Mr. MORRIS. Yes.

The CHAIRMAN. I think I shall have to ask counsel to leave that out at present. It is not material at this time whether Mr. Titus is in attendance or not.

Mr. LITTLEFIELD. I am not going to ask about that.

The CHAIRMAN. We shall have to take this witness from the stand, if it becomes necessary to delay this much longer. We know about Mr. Titus, and the proof of his condition will be here.

Mr. LITTLEFIELD. Of course, I have no doubt that is quite true, Mr. Chairman, but you appreciate that I do not know, and I would like to have the record show it. I want to show it in just a few words, if I can. I do not know what the fact is, but I am advised that

Mr. Titus has been in a condition where he was not capable of attending to any business.

The CHAIRMAN. That was brought out yesterday.

Mr. LITTLEFIELD. Yes, Mr. Chairman; but——

The CHAIRMAN. I stated that.

Mr. LITTLEFIELD. Yes.

The CHAIRMAN. I stated it yesterday.

Mr. LITTLEFIELD. It was stated that he was in that condition today. I wanted, if the chairman please, to carry that condition back over this period.

The CHAIRMAN. The committee is unable to see what light his condition throws upon anything under consideration at this time.

Mr. LITTLEFIELD. If Mr. Titus was not in a physical or mental condition that would enable him to take any part in these conferences, and if I can show it by this witness, it comes——

The CHAIRMAN. I think we shall have to dispense with this examination at this time, if counsel thinks that he wants to go into these details, which do not seem at all material at present, in the opinion of the committee, in view of the statement which has been made as to the manner of procedure. It is not the intention of the committee that very much time shall be taken up with the examination of this question at first. It will come in its regular order later. Counsel will then have an opportunity to examine the witness. We desire to proceed with the order of investigation as we have planned it.

Mr. LITTLEFIELD. I hope the chairman will allow me to make this suggestion. Of course, the chairman fully realizes that sometimes it makes considerable difference to us, when we are developing facts, as to when they are developed and at what period of the case they are developed. Sometimes we get them one way at one stage of the case and another way at another stage of the case. If I have to notify a witness in advance of exactly what I am expecting to show, as a rule I foreclose all my avenues of information. I want to be perfectly frank, and I do not wish to take unnecessary time. My only purpose was to get some detail from this witness, in the absence of any knowledge on the part of this witness as to what other witnesses may testify to.

The CHAIRMAN. This witness has testified as to nothing of his own knowledge. The committee has already stated, on yesterday, that unless the testimony were followed up by primary evidence that would sustain these allegations the testimony of this witness would receive no consideration whatever. If counsel desires to cross-examine the witness as to these minute details, which the committee do not think are essential at this time, the witness will be excused, and we will proceed with the investigation in the order prearranged. If counsel says he desires to pursue this cross-examination further, the witness will be removed from the stand this morning, and we will take up the procedure in the manner we have agreed upon. If counsel is not through with the witness, he will be held here. It is not the intention of the committee that this witness shall be discharged until after the primary evidence or testimony is produced, or at least until an effort is made to procure it.

Does counsel desire to cross-examine this witness further?

Mr. LITTLEFIELD. I do not understand that I have the privilege to cross-examine him further.

The CHAIRMAN. Yes. The committee will hold him here, and subject him to your pleasure later, but not now.

Mr. LITTLEFIELD. I thought the chairman's question was whether I desired to cross-examine him further at this time. I understand the committee to rule that the cross-examination shall stop for the present.

The CHAIRMAN. For the present. We have matters of primary importance this morning, which we desire to develop at once.

Mr. LITTLEFIELD. I am not going to press the cross-examination now. I will say that I should like to have the governor here, so that if I desire later to cross-examine him further I may be able to do so.

The CHAIRMAN. He will be in attendance, and may be excused from the stand for the present.

Mr. LITTLEFIELD. It may well be that I shall not have any other questions to ask him.

The CHAIRMAN. If counsel desires to ask him any further questions, an opportunity will be afforded later for him to do so.

The CHAIRMAN. Before proceeding further the committee desires the box of papers brought in this morning. An officer of the committee will go with whoever has them.

Mr. BLACK. Mr. Chairman, I have already sent for them.

The CHAIRMAN. Let an officer proceed. Where is the box at this time, at this minute?

Mr. BLACK. I presume it is on the way over here.

The CHAIRMAN. I want an officer of this committee to go for that box and accompany it over here without any delay.

We will next call Mr. A. R. Ames.

TESTIMONY OF ALLEN RUSSELL AMES.

ALLEN RUSSELL AMES, having been heretofore duly sworn, was examined and testified as follows:

The CHAIRMAN. Where do you reside?

Mr. AMES. Madison, Wis.

The CHAIRMAN. How long have you resided there?

Mr. AMES. Twenty-two years.

The CHAIRMAN. Did you participate in the campaign of Senator Stephenson for the United States Senate in the year 1908?

Mr. AMES. I did, sir.

The CHAIRMAN. In what manner did you participate?

Mr. AMES. I had charge of the campaign in Dane County.

The CHAIRMAN. In any other county?

Mr. AMES. No, sir.

The CHAIRMAN. How much money did you receive from Senator Stephenson or his campaign managers or anyone on his behalf during that campaign?

Mr. AMES. About \$1,000.

The CHAIRMAN. This was during the campaign before the primary election?

Mr. AMES. In the primary campaign only.

The CHAIRMAN. From whom did you receive that money?

Mr. AMES. From Messrs. Edmonds and Sacket.

The CHAIRMAN. State how much you received from Mr. Edmonds.

Mr. AMES. I am unable to say how much from either one.

The CHAIRMAN. When did you receive the first money?

Mr. AMES. I think on the 15th day of July.

The CHAIRMAN. How much?

Mr. AMES. My memory is \$200.

The CHAIRMAN. That was from Mr. Edmonds?

Mr. AMES. No; I think Mr. Sacket went down to the bank with me.

The CHAIRMAN. When did you receive the next sum?

Mr. AMES. I was in the city again, I think, on the 8th of August.

The CHAIRMAN. How much did you then receive?

Mr. AMES. I am not sure, but I think possibly \$500. I can not tell you exactly.

The CHAIRMAN. You were charged here with \$350 on that date.

Mr. AMES. Well, I guess that was it.

The CHAIRMAN. Making \$550 up to that time. Is that correct?

Mr. AMES. Yes, sir.

The CHAIRMAN. When did you receive the next sum of money?

Mr. AMES. Some time later in August.

The CHAIRMAN. On August 14 you are charged with receiving \$50. Is that correct?

Mr. AMES. I received a check of \$50 to indorse over to another party, Hans Hilsenhoff, of Madison. I was simply to indorse it and hand it over to him.

Mr. LITTLEFIELD. What was the amount of that?

Mr. AMES. \$50.

The CHAIRMAN. That was not money for you to expend?

Mr. AMES. No, sir.

The CHAIRMAN. You were merely the medium through which that money was sent?

Mr. AMES. Yes. Mr. Edmonds did not know his post-office address.

The CHAIRMAN. That sum was not charged to you?

Mr. AMES. No, sir.

The CHAIRMAN. On August 14 you are charged with \$50, that being found on page 591 of your testimony before the joint investigating committee.

Mr. AMES. What ever I said at that time I think was correct.

The CHAIRMAN. On August 28, three days before the election, you are charged with receiving from Mr. Edmonds \$50. Did you receive that money?

Mr. AMES. Yes, sir.

The CHAIRMAN. What did you do with the \$200 which you received on July 15?

Mr. AMES. I began work circulating nomination papers over the county. May I add a word about the size of our county?

The CHAIRMAN. Yes.

Mr. AMES. There are in it 35 Government townships, 2 cities—one of 30,000 and one of 5,000—and 12 villages. It is the most populous county in the State outside of Milwaukee County. It is the largest of the more populous counties in the State. We have 66 precincts, one thirty-fourth of the precincts in the State of Wisconsin. I began to circulate nomination papers over that territory.

The CHAIRMAN. You made a contract with Mr. Edmonds or Mr. Sacket in regard to your services?

Mr. AMES. With Mr. Edmonds.

The CHAIRMAN. What was your contract with Mr. Edmonds?

Mr. AMES. \$500.

The CHAIRMAN. That was for your services?

Mr. AMES. For my services.

The CHAIRMAN. You were not expected to pay out any part of that?

Mr. AMES. I was to pay all my own expenses, railroad fare, livery hire, automobile hire, hotel—anything.

The CHAIRMAN. Then the \$500 was to be net to you?

Mr. AMES. Yes.

The CHAIRMAN. That is to say, you were to pay your expenses out of that \$500?

Mr. AMES. I was to pay my expenses out of that.

The CHAIRMAN. You brought the \$200 home with you on the day you made the contract?

Mr. AMES. Yes, sir.

The CHAIRMAN. That is the \$200 that is charged to you on July 15?

Mr. AMES. July 15.

The CHAIRMAN. So that you were not to account for any part of that. That was your compensation?

Mr. AMES. That was part of my compensation.

The CHAIRMAN. Then, after that, you received \$350 on August 8. For what did you receive that money?

Mr. AMES. To pay these workers.

The CHAIRMAN. Did they limit you to spending \$5 in each precinct?

Mr. AMES. That was the talk between Mr. Edmonds and myself—if possible, to conduct the campaign for about \$5 a precinct.

The CHAIRMAN. Was that really the basis of your arrangement?

Mr. AMES. That was the talk; yes, sir.

The CHAIRMAN. How much would that amount to?

Mr. AMES. That would amount to \$330 for that part of it.

The CHAIRMAN. And you received \$350—\$20 more than that sum. What was that \$20 for?

Mr. AMES. For incidental expenses that might arise. When I got home I found that I could not get men in the city of Madison to work at the polls on primary day for \$5.

The CHAIRMAN. What did they demand?

Mr. AMES. I had to pay some of them \$10.

The CHAIRMAN. And how much did you pay others?

Mr. AMES. I paid some less than that; but it averaged, I think, fully \$8 over the county. These men not only worked on that day at the polls, but they put in time circulating nomination papers and gathering names over the county, for we were without any sort of a poll list; and they also put in time posting lithographs and doing everything incident to a campaign.

The CHAIRMAN. You received an additional sum of money between the money you got on July 15 and the \$350 on August 8, did you not? You received \$900 altogether?

Mr. AMES. I received about \$900 altogether.

The CHAIRMAN. Your testimony at page 2071 of the proceedings of the investigation committee would seem to admit that you received \$900.

Mr. AMES. Yes.

The CHAIRMAN. Did you receive this additional sum before the 1st of August?

Mr. AMES. I was down here first on the 15th of July. I think the next time was in August. I am not sure.

The CHAIRMAN. You know that no nomination papers were circulated after the 1st of August, because on that day the law required them to be filed. That ended the circulation of petitions?

Mr. AMES. Yes.

The CHAIRMAN. Did you pay these men before they did the work, or afterwards? If so, where did you get the money?

Mr. AMES. I have the dates here on which I paid a good many of them. I know some of them were not paid until after the primary. I know that well. Here are some that I paid along on August 26—one, two, three, four, five, six, seven—and on the 27th and the 28th and the 29th of September. Here is one on August 11.

The CHAIRMAN. Have you the names of the men there?

Mr. AMES. Yes.

The CHAIRMAN. Just read them, beginning with the first on your memorandum, and name the amount that you paid. First, what were those payments for?

Mr. AMES. For circulating nomination papers, and gathering names and posting bills.

The CHAIRMAN. Have you the items separated there, so that you can tell how much you paid for circulating nomination papers?

Mr. AMES. I have not. I engaged these men to do this work over the territory.

The CHAIRMAN. When did you engage the men?

Mr. AMES. I began on the 16th day of July, by telephone and by letter.

The CHAIRMAN. Read the names and the amounts that you have on your memorandum.

Mr. AMES. On August 26 I paid D. S. Babcock, of the township of Albion, \$5.

The CHAIRMAN. For what did you pay him that?

Mr. AMES. For his work in circulating nomination papers.

The CHAIRMAN. That was three weeks after the nomination papers were filed. Was that a suspended payment?

Mr. AMES. He was also to work at the polls.

Mr. LITTLEFIELD. The question is, had the services at that time been rendered?

Mr. AMES. Partially rendered.

The CHAIRMAN. Go on and read the names and the amounts.

Mr. AMES. Walter Johnson, in the township of Black Earth, \$5.

Mr. LITTLEFIELD. Mr. Chairman, in looking at the witness's memorandum I see that he is given these from a check book.

The CHAIRMAN. Did you pay these men by check?

Mr. AMES. I paid a good many by check. It saved my going back into the territory again.

The CHAIRMAN. We will see whether it is important enough to require the check book. Let us get the information he has here at this time.

Mr. AMES. It is customary for me to pay practically everything by check. I have those stubs, with the check pasted right back on to the stub in my office to-day. John Rutlin, township of Bristol, \$5.

Mr. LITTLEFIELD. Give the date.

Mr. AMES. These are all on August 26: Charles Sager, township of Cottage Grove; Fred Ames, of the township of Pleasant Springs, \$5; Denny Grinde, village of Deerfield, \$5; R. Cook, township of Cross Plains, \$3. August 27, for advertising in the Sun Prairie Countryman, \$3. August 28, paid H. McKenzie, of Black Earth Township, \$3; on the same date, Thomas Woolrich, of the village of Black Earth, \$3; in the town of Mazomania, P. F. Stickney, \$3; town of Berry, Louis Seston, \$3. August 29, town of Christiana, George Orwin, \$5; same date, village of Cambridge. J. Hommas, \$5. September 4, B. W. Stewart, town of Springfield, \$1.50. September 22, M. A. Peterson, town of Oregon, \$3. September 4, Gill Brothers, livery, city of Madison, \$17; on the same date, J. B. Stickney, village of Mazomania, \$5; same date, State Journal, city of Madison, advertising, \$6. September 16, G. Kleven, \$22; C. E. McWattie, village of Waunakee, \$31.

I guess you have already got Mr. Hilsenhoff. I have it here for \$50.

The CHAIRMAN. Yes.

Mr. AMES. On August 11, Mr. H. H. Morgan, who has been here, was going up into the northwestern part of the county, 30 miles from the capital. I handed him \$50 to pay some workers in that part of the county.

Senator POMERENE. He was the assistant district attorney?

Mr. AMES. Yes; he was here a week ago. I also paid for some advertising in some of the village papers. I paid \$25 to Jerry Keyes. In the city of Stoughton there are four wards, and I have the names here somewhere. In the first ward I paid Andrew Sampson \$5; in the second ward I paid Sam Sorenson \$5; in the third ward I paid C. F. Anderson \$5; in the fourth ward I paid Edward Jacobson \$5. On August 13 I paid the publisher in the village of Deerfield, for advertising, \$3, and the publisher in the village of Cambridge \$3. I paid two editors on the 14th in Mount Horab village \$5 each. On the 15th I paid the editor of the Stoughton paper \$5. On the 21st I paid the editor of the Belleville paper \$5. On the 22d I paid the editor of the paper at Middleton village \$2.50. On the 25th I paid to the editors of the Waunakee and De Forest papers \$5.50—\$2.50 to the Waunakee editor, and \$3 to the De Forest paper. For a worker at the polls in the township of York I paid \$3. For the publisher of a paper at Marshall village, and for his services at the polls on primary day, I paid \$8. In the township of Blooming Grove I paid Sever Thompson \$5. In the township of Burk I paid John Brigham \$3. In the village of Dane I paid Mike Kelly \$5. In De Forest village I paid George Karow \$5. In the town of Dunn I paid C. R. Christopherson \$5. In the town of Fitchburg I paid J. B. Johnson \$5. At Four Oaks village, adjoining the city of Madison, I paid

C. J. W. Brede \$5. In the town of Madison I paid Perry Outhouse \$5. In the city of Madison, in the first ward, I paid Mr. Haven (I was not able to find his initials) \$5; in the second ward I paid Milo Kensler \$5; in the fourth ward I paid James Spencer \$5; in one precinct of the fifth ward I paid Mr. Stocking \$5; in the second precinct of the same ward I paid Henry Caesar \$5; in the sixth ward I paid Mr. Gay, in one precinct, \$10; in the second precinct I paid Mr. Burns \$10; in the seventh ward I paid Mr. Reynolds \$5; in the eighth ward I paid Mr. Wilson \$5; in the ninth ward I paid William McKay \$5; in the tenth ward I paid a Mr. Hilsenhoff, a brother of Hans, \$5. In the town of Medina I paid J. C. Knapton \$5. In the town of Middleton I paid J. W. Green \$5. I paid the Morrisonville Tribune \$3. In the township of Mount Rose I paid Mr. Manson \$5. I paid the publisher at Oregon village \$5. To Robert McGill, who canvassed the town and who worked at the polls on primary day, I paid \$5. In the township of Roxbury I paid August Loper \$5. In the town of Rutland, H. E. Waterman, \$5. In Springdale, George Rockstad, \$5. In the town of Orona, D. Mutchlin, \$5. In the town of Vermont, M. Mickelson, \$5. J. M. Parkinson, town of Windsor, \$5.

That is about as complete a list as I have on the record.

Mr. LITTLEFIELD. What does that aggregate?

Mr. AMES. I did not foot it up. I think somewhere between \$300 and \$400.

The CHAIRMAN. You have placed in evidence before the legislative committee a book of receipts and stubs, with the receipts attached to them.

Mr. AMES. Yes.

The CHAIRMAN. We will consider them in evidence in this case; and they will be properly incorporated into the record, and returned to the custodian of State papers.

(The bundle of receipts was marked "Exhibit Ames 1," October 18, 1911. The book, with stubs, was marked "Exhibit Ames 2," October 18, 1911.)

Mr. AMES. I want to say, if I may, about those receipts, that Mr. Edmonds said to me to take receipts, and I tried to take receipts; but if you have ever dealt with a man 30 or 40 miles away you know the difficulty of it. I went to the trouble to make out receipts and mail them as I mailed the money or the check, and I asked the people to sign the receipt and return it to me. I do not think one-third of them did.

The CHAIRMAN. That is, many of them did not return the receipts that you sent to be signed?

Mr. AMES. That is correct. The receipt was made out for the amount I sent them, and they either purposely or carelessly neglected to return it.

The CHAIRMAN. These receipts will be tabulated, but not copied into the record; and they will be returned to the custodian of State papers.

The tabulation of the receipts comprised in Exhibit Ames 1 is as follows:

August 28, 1908, H. Caesar, \$5; August 27, 1908, And. Sampson, \$5; August 27, 1908, Edw. Jacobson, \$5; August 27, 1908, Sam Sorenson, \$5; August 27, 1908, C. F. Anderson, \$5; August 26, 1908, J. B.

Johnson, \$3; August 26, 1908, Frank Haven, \$5; August 26, 1908, Wm. McKay, jr., \$5; August 25, 1908, Leo Hemel, \$3.50; August 25, 1908, G. Nabbfeld, \$2.50; August 25, 1908, H. Conry, \$3; September 1, 1908, Perry A. Outhouse, \$3; Madison, Wis., 9-22, 1908, M. A. Peterson, \$3; August 25, 1908, Chas. E. McWatty, \$31; September 26, 1908, H. E. Waterman, \$3; August 26, 1908, James F. Spencer, \$5; August 26, 1908, L. S. Burns, \$10; August 27, 1908, Geo. Karow, \$5; August 27, 1908, Sever Thompson, \$3; August 27, 1908, J. Q. Brigham, \$3; August 28, 1908, J. F. Reynolds, \$5; August 29, 1908, C. B. Christopher, \$3; August 28, 1908, H. W. McKenzie, \$3; August 26, 1908, John T. Gay, jr., \$10; August 31, 1908, W. E. Wilson, \$5; August 31, 1908, Hans Hilsenhoff, for E. Y. Hilsenhoff, \$5; August 31, 1908, Hans Hilsenhoff, for C. J. W. Brede, \$5.

The CHAIRMAN. On your examination before the joint committee you accounted for \$900 expended?

Mr. AMES. Yes.

The CHAIRMAN. Leaving \$50 unaccounted for.

Mr. LITTLEFIELD. What page are you reading from, Mr. Chairman?

The CHAIRMAN. Page 2083 is the end of it. He went through these items; and I think an examination will show that he accounted for \$900, leaving \$50 unaccounted for.

In regard to that, Mr. Ames, you were examined as follows:

Q. You only account for \$900, then?—A. I can't tell you where that went.

Q. You don't know where it went?—A. I don't know where it went.

You are referring there to the \$50 unaccounted for, as I understand the record. To continue:

Q. Did I understand you to say that you hired men in this county and that they were paid from headquarters direct?—A. No, sir; they were paid by me.

Q. Was there any other money expended in Dane County except through you?—A. No; not to my knowledge.

Are you able now to account for that \$50?

Mr. AMES. I think I accounted for it right then and there. I think Senator Marsh came up and brought this check, which was mailed to me and was, possibly, charged up to me at headquarters, and he asked me if that was a mistake. Then I recognized it at once as that matter which I simply turned over.

The CHAIRMAN. That, I presume, is included in the question on page 2083, which refers to one check of Mr. Edmonds for \$50. I want to give you an opportunity now to account for that check in this testimony, if you can.

Mr. AMES. Does it not explain along there that that was a check that I indorsed over to Mr. Hilsenhoff? I thought it did.

The CHAIRMAN. Suppose you explain it now. That will be better.

Mr. AMES. I could not account for it at the time; but when he came up and showed me the check drawn in my name for \$50, and I turned it over and saw that I had indorsed it to Hans Hilsenhoff, it was all clear to me.

The CHAIRMAN. I read from your testimony on page 2088 of the senatorial primary investigation:

Q. Now, with reference to that extra \$50, do you remember whether or not you got a check from Mr. Edmonds for \$50?—A. I can't recall it now.

Q. I am unable to produce a check, although there is a stub I would like to show you in connection with that, and the date.

Senator MARSH. We haven't the checks here.

Q. I was wondering if that would refresh your recollection in any way? The check would in all probability have the same color as the stub.—A. If Mr. Edmonds drew a check to me I presume I have got it.

Q. Now, you said that part of the money was spent for incidentals, such as postage stamps, newspapers, etc., and in all probability \$20 was spent that way.—A. Yes, sir.

Q. I would like to ask if more than \$20 might have been spent in that way?—A. Well, it might. I spent considerable in telephoning.

Q. Well, do you know of any person in Dane County who was actively working for McGovern during the campaign?

That last portion of the question I have just read we will pass. That would seem to be your testimony before the other committee in reference to a \$50 check. Is that the \$50 check to which you refer?

Mr. AMES. I think it is that check that I indorsed over to Mr. Hilsenhoff.

The CHAIRMAN. We now come to page 2092, when you were again interrogated in regard to this \$50 as follows:

Q. Well, probably you did. Probably took you into the bank and identified you and you drew the currency on them while you were there. This is your writing, is it, on this check No. 33554, except the last signature there?—A. That was not a part of my work.

Q. That is, this check No. 33554, for \$50, was not for your work?—A. No.

Q. But was for the work of Hans Hilsenhoff?—A. Yes, sir.

Is that the man, Mr. Ames?

Mr. AMES. That is the man.

The CHAIRMAN. To continue:

Q. That is why there is \$50 charged to you?—A. Yes; they mailed that to me to turn over to Mr. Hilsenhoff.

Q. Did they know who Mr. Hilsenhoff was?—A. I suppose not.

Q. Did you know his name?—A. Yes; I knew him.

Q. How could they turn it over to you to turn over to Mr. Hilsenhoff if they didn't know his name?—A. I guess they knew his name; they certainly must, if they wrote me to turn it over to him.

Q. You said they didn't.—A. I didn't mean to say that, but it was no part of my work at all, but they sent that to me to turn over to him.

Is that correct?

Mr. AMES. Yes.

The CHAIRMAN. That is the \$50 check that represented the difference between the amount that you accounted for and the amount you received, is it?

Mr. AMES. Yes, sir.

The CHAIRMAN. You say that now?

Mr. AMES. Yes, sir.

The CHAIRMAN. Had you been a supporter of Senator Stephenson before you made the arrangement to represent him in Dane County?

Mr. AMES. I had.

The CHAIRMAN. For how long?

Mr. AMES. Ever since following the announcement of his candidacy for the election.

The CHAIRMAN. You made this arrangement, you say, with Mr. Edmonds?

Mr. AMES. Yes.

The CHAIRMAN. Did you solicit the arrangement, or did somebody send for you?

Mr. AMES. I was in the city, and Mr. Edmonds had been out in the legislature, and I went up into the headquarters, and in visiting with

him he wanted to know what was the reason I could not look after Dane County.

The CHAIRMAN. He opened the subject with you, then, did he?

Mr. AMES. I think so; yes.

The CHAIRMAN. Have you been accustomed to taking an active part in political campaigns in Dane County?

Mr. AMES. I have taken an active part in every campaign for 40 years.

The CHAIRMAN. Have you held public office at all?

Mr. AMES. Yes, sir.

The CHAIRMAN. What offices have you held?

Mr. AMES. County superintendent of schools.

The CHAIRMAN. Any other office?

Mr. AMES. That is all.

The CHAIRMAN. How long did you hold that office?

Mr. AMES. Four years.

The CHAIRMAN. Were you a candidate for any office in 1908?

Mr. AMES. No, sir.

The CHAIRMAN. Did you take any part in the candidacy of anyone for the legislature?

Mr. AMES. I did not.

The CHAIRMAN. Either before the nomination or after?

Mr. AMES. I did not; only to vote on election day.

The CHAIRMAN. You voted, but you took no part in the way of candidacy?

Mr. AMES. I took no part whatever.

Senator POMERENE. Was it on the day that you visited Mr. Edmonds, and to which you have just referred, that the arrangement was made for you to take care of Dane County?

Mr. AMES. Yes, sir.

Senator POMERENE. What was said between you and Mr. Ames on that occasion on this subject?

Mr. AMES. After talking a while he asked me why I could not. I told him I had a business to attend to, and I ought to attend to it; that it was a vast area—35 villages and towns—and I should practically have to close my office. Finally I agreed to do it for this sum.

Senator POMERENE. For what sum?

Mr. AMES. \$500 for my services for the two months.

Senator POMERENE. What were you to do?

Mr. AMES. I was to get out at home—I took a bundle of nomination papers that day; I took a quantity of campaign buttons; I took literature, lithographs, and everything that was being used incidental to a campaign, and got home and went to my desk and wrote letters and telephoned and got everybody busy that I could.

Senator POMERENE. That is, with respect to the nomination papers?

Mr. AMES. With respect to the nomination papers.

Senator POMERENE. What did you do with reference to the primary, in addition to your work in reference to the nomination papers?

Mr. AMES. First, circulating nomination papers; distributing lithographs and getting them posted; circulating campaign buttons, and getting the advertisements into the city and village papers.

Senator POMERENE. Talking up Senator Stephenson's cause wherever you met anyone?

Mr. AMES. Yes, sir.

Senator POMERENE. What were these men to do that you had a memorandum of as having received money from you?

Mr. AMES. I mailed them rolls of lithographs, nomination papers, campaign buttons, and literature; and they were to post the bills and distribute the buttons and do the general work of a campaign.

Senator POMERENE. Were they to get the vote out at the polls?

Mr. AMES. They were to get the vote out at the polls; and many of those same men were to stand at the polls on primary day and hand out the card with Senator Stephenson's portrait upon it, and suggest that they vote for the Senator.

Senator POMERENE. You told us a little while ago that Mr. Edmonds had asked you to take receipts for money that you paid out. When did he ask you to do that?

Mr. AMES. The 15th day of July.

Senator POMERENE. Did you render any account to him of your expenditures?

Mr. AMES. I did not.

Senator POMERENE. Why did you not render an account?

Mr. AMES. He did not ask me to.

Senator POMERENE. What was the object of taking receipts?

Mr. AMES. I do not know, sir. He suggested it to me that day. I was anxious to know that I kept right within the law, and I told him that I must do it. I said I would do nothing but straightforward work; I could not go into saloons, as I never do. He said they did not want me to. He said: "We just want you to do a straightforward campaign for the Senator out in Dane County."

Senator POMERENE. As I understand you, then, you received about \$950, of which \$50 went to Hans Hilsenhoff; \$500 went to yourself for your compensation; and the other \$400 was used by you in employing workers at the polls, and in the distribution of literature and nomination papers, and to pay men for giving their time to Senator Stephenson's cause?

Mr. AMES. Yes, sir.

Mr. LITTLEFIELD. If the Senator will excuse me, there was \$50 to Mr. Morgan?

Senator POMERENE. Yes; \$50 to Mr. Morgan. That is right.

Mr. AMES. \$50 to Morgan.

Senator POMERENE. And you rendered no account either to Senator Stephenson or to Mr. Edmonds or to Mr. Sacket or to anyone else?

Mr. AMES. No, sir.

Senator POMERENE. Of the moneys you expended?

Mr. AMES. No, sir.

Senator POMERENE. And you were not asked by any of these men, Sacket or anyone else, to furnish any account?

Mr. AMES. No, sir.

Senator POMERENE. That is all.

Mr. LITTLEFIELD. You have already explained somewhat in detail the maner in which the money was received by you, Mr. Ames. I understand it was first \$200 when you were at the office, then later \$350?

Mr. AMES. Yes, sir.

Mr. LITTLEFIELD. Then later the two items of \$50 each?

Mr. AMES. Yes, sir.

Mr. LITTLEFIELD. That is \$650. That leaves \$250 more to make up the \$900. When and how did you get that \$250, as you remember?

Mr. AMES. I do not recall, sir; but I am pretty sure I had it.

Mr. LITTLEFIELD. Do you remember whether it came in a check from Mr. Edmonds or from Mr. Puelicher or Mr. Sacket?

Mr. AMES. Once or twice when I was in town here I went down to the bank and got some currency; and I think once or twice, or two or three times, perhaps, they mailed me checks. I simply can not tell.

Mr. LITTLEFIELD. You are not able to remember the details as to how the money was paid to you?

Mr. AMES. No, sir.

Mr. LITTLEFIELD. But your recollection is that in the aggregate it was \$900?

Mr. AMES. About \$900.

Mr. LITTLEFIELD. Were substantially all the disbursements that you have testified to as having made to these various men made by you to them by check?

Mr. AMES. Largely by check; yes, sir. In reference to some of those publishers, when in their villages I solicited advertising space at their regular rates, and asked them the amount and usually paid them in currency.

Mr. LITTLEFIELD. Did you take receipts from them in such instances or do you not remember?

Mr. AMES. I do not think I did, very many of them; no, sir. The services had not been rendered at that time, and—

Mr. LITTLEFIELD. Were any sums that were disbursed by you in this primary election paid by you, either directly or indirectly, for the purpose of bribing or improperly or corruptly influencing the vote of any elector in the interest of Senator Stephenson in that primary election?

Mr. AMES. No, sir.

Mr. LITTLEFIELD. Was any money used by any of these gentlemen to whom you disbursed money, to your knowledge—

Mr. AMES. Not to my knowledge.

Mr. LITTLEFIELD. Just a moment; let me finish the question. Was any money used or paid by any of the men to whom you gave money or disbursed money in that campaign, to your knowledge, for the purpose of either directly or indirectly bribing or corruptly influencing any electors in the interest of Senator Stephenson in that campaign?

Mr. AMES. No, sir.

Mr. LITTLEFIELD. I think that is all. Does the committee want the check book that he used in the campaign? If so, I will ask him to send it down.

The CHAIRMAN. No.

Senator POMERENE. If we do later, we will call for it.

Mr. AMES. There are three checks on a page, and the checks are pasted back on the stubs.

The CHAIRMAN. I do not think we want to encumber the record with that.

Mr. LITTLEFIELD. If the committee need it, they will ask for it. I simply wanted it to appear that Mr. Ames was ready to produce it. That is all, Mr. Ames.

TESTIMONY OF C. H. RUSSELL.

C. H. RUSSELL, having been previously sworn, was examined and testified as follows:

The CHAIRMAN. Mr. Russell, where do you reside?

Mr. RUSSELL. My official residence is Berlin, Wis. I am employed in the State capitol at Madison.

The CHAIRMAN. What is your employment?

Mr. RUSSELL. I am chief clerk in the pension department.

The CHAIRMAN. In the United States Pension Office?

Mr. RUSSELL. No, sir; in the office of the State pension agent.

The CHAIRMAN. Has the State of Wisconsin a pension system?

Mr. RUSSELL. Yes, sir. We get pensions free of charge for pensioners.

The CHAIRMAN. Pensioners under the laws of the United States?

Mr. RUSSELL. Yes, sir.

Mr. LITTLEFIELD. You prosecute claims for pensioners?

Mr. RUSSELL. Yes.

The CHAIRMAN. Yes; he is a pension agent to secure pensions for pensioners. You were a candidate for nomination for Member of Congress in 1908, were you?

Mr. RUSSELL. Yes, sir.

The CHAIRMAN. You were not nominated?

Mr. RUSSELL. No, sir.

The CHAIRMAN. Did you do campaign work in the interest of Senator Stephenson during that primary campaign?

Mr. RUSSELL. Yes, sir.

The CHAIRMAN. What sums of money did you receive from the Stephenson campaign fund?

Mr. RUSSELL. My recollection is that I received \$750 or \$700; I will not be certain which.

The CHAIRMAN. From whom did you receive it?

Mr. RUSSELL. It came to me in the way of a check?

The CHAIRMAN. What was the amount of that check?

Mr. RUSSELL. My recollection is it was either \$700 or \$750.

The CHAIRMAN. All in one check?

Mr. RUSSELL. Yes, sir.

The CHAIRMAN. You are charged with receiving on August 10 the sum of \$200 and on August 19 the sum of \$350. Is that aside from the check that you received?

Mr. RUSSELL. No, sir.

The CHAIRMAN. Do you think you received a check for \$750?

Mr. RUSSELL. That was the whole amount, and my recollection is that it came in one check. I think it did; but it might have come in two.

The CHAIRMAN. Did you not receive part of it from Mr. Sacket and part of it from Mr. Edmonds?

Mr. RUSSELL. No, sir.

The CHAIRMAN. From whom did you receive it?

Mr. RUSSELL. I do not know.

The CHAIRMAN. On page 2170 of your testimony before the joint committee of the legislature of Wisconsin which was investigating this matter, you were asked:

Q. In what form did that money come to you, in currency or cash?—A. In check.

Q. Did it come to you all at one time?—A. No, sir.

Q. How many payments did it come to you in?—A. I think in two—one of \$200 and one of \$350.

Q. From whom?—A. I can't tell. Now, I can't tell the bank nor who signed it. I know I took it to the bank and the money was paid.

Does that refresh your memory?

Mr. RUSSELL. I presume that is correct, because at that time the incident was fresh in my memory; but I had \$200 more.

The CHAIRMAN. Yes; that would appear. Do you remember now from whom you received the additional \$200?

Mr. RUSSELL. No, sir; I did not know then.

The CHAIRMAN. Oh, you did not know then. Where did you receive the last sum of \$200?

Mr. RUSSELL. In Madison.

The CHAIRMAN. In what shape did you receive it?

Mr. RUSSELL. A check.

The CHAIRMAN. By whom was it signed?

Mr. RUSSELL. I do not know. I do not remember. I did not look at it. It was a check, it came to me, it was honored at the bank, and I got the money.

The CHAIRMAN. You made a statement, which is Exhibit 111, found at pages 2178-2179. Do you recall making that statement?

Mr. RUSSELL. Yes, sir.

The CHAIRMAN. It appears that the first sum paid out was to Senator Hazelwood, of Jefferson—20 cents. What was that for?

Mr. RUSSELL. Drink and cigar.

The CHAIRMAN. Then you paid "Jabe Wells, of Portage," \$100. What was that for?

Mr. RUSSELL. That was for work in Portage City for Senator Stephenson and myself.

The CHAIRMAN. What class of work?

Mr. RUSSELL. To get out voters, and hire men for work at the polls; general—

The CHAIRMAN. Be a little more particular about that expression "work at the polls." Just what do you mean by that? You know, there is work at the polls that might be legal and work that might not be legal.

Mr. RUSSELL. In the talk I had with Mr. Wells, I gave him \$100 to do the best he could for Senator Stephenson and myself; and the talk was then, between him and me, that he was to get the voters to the polls, and have workers—

The CHAIRMAN. You were making a dual campaign?

Mr. RUSSELL. Yes, sir.

The CHAIRMAN. That is, you were casting your lot with Senator Stephenson's campaign?

Mr. RUSSELL. Yes, sir.

The CHAIRMAN. The next item is "Charles Brown, Montello, \$100." Was that for the same purpose?

Mr. RUSSELL. Yes, sir.

The CHAIRMAN. Also "Quanchy, liveryman, Montello, \$15."

Mr. RUSSELL. Yes, sir.

The CHAIRMAN. That was for riding about the country, was it?

Mr. RUSSELL. Yes, sir.

The CHAIRMAN. "Dart, hotel, Montello, \$5." What was that for?

Mr. RUSSELL. That was to work for Senator Stephenson and myself in Montello.

The CHAIRMAN. "George Waldo, Westfield, \$20." What was that for?

Mr. RUSSELL. That was an old comrade of mine in the Army. He was a peddler, driving up through Adams and Marquette Counties; and I gave him that \$20 to work for Stephenson and myself. I had an object in view. He was an old comrade of mine, and he was a good man and knew lots of people, and I thought he could do some good; and I wanted to help him.

The CHAIRMAN. In what command did you serve?

Mr. RUSSELL. The First Wisconsin Cavalry.

The CHAIRMAN. How long did you serve?

Mr. RUSSELL. Almost four years.

The CHAIRMAN. There is \$50 to "Hinds, ex-postmaster of Lodi." What was that for?

Mr. RUSSELL. That was for work for Senator Stephenson.

The CHAIRMAN. Work of the same character as the work you have described?

Mr. RUSSELL. Yes, sir.

The CHAIRMAN. "Packwaukee, two men, \$6." What was that for?

Mr. RUSSELL. They were to do what they could in getting out the voters in the village and vicinity for the same purpose.

The CHAIRMAN. "Oxford, two men hotel bill, \$8."

Mr. RUSSELL. That was the same thing.

The CHAIRMAN. That was for the same class of work?

Mr. RUSSELL. Yes, sir.

The CHAIRMAN. "Wyocena, one man, \$4." What class of work was that?

Mr. RUSSELL. That was the same thing.

The CHAIRMAN. "Rio, two men, \$6."

Mr. RUSSELL. Yes, sir.

The CHAIRMAN. Just formulate your speech, because we want it in the record.

Mr. RUSSELL. It was for the same class of work.

The CHAIRMAN. "William Middleton, of Berlin, to work in Seneca, \$20."

Mr. RUSSELL. Yes, sir. That was for the same work.

The CHAIRMAN. Why did you pay Middleton \$20 for the same work that you paid the other men \$4 and \$6 and \$8 for?

Mr. RUSSELL. Mr. Middleton had been assemblyman; he was a prominent man and had a good deal of influence. I knew he had more influence in the town of Seneca and the town of Berlin than anybody else, and I paid him in proportion to his value.

The CHAIRMAN. Was he a Stephenson man?

Mr. RUSSELL. Yes, sir.

The CHAIRMAN. Was he a Stephenson man before you gave him the \$20?

Mr. RUSSELL. Well, he talked that way.

The CHAIRMAN. "William Delaney, town of Seneca, \$10."

Mr. RUSSELL. Yes, sir. That was for the same work; and he was to work in adjoining towns—what he could.

The CHAIRMAN. "County of Green Lake, \$75." To whom did you pay that?

Mr. RUSSELL. The city of Berlin has five wards. I hired three men in each ward to work on primary day and gave them \$3 apiece. The balance of it was spent around the city.

The CHAIRMAN. For what purpose?

Mr. RUSSELL. I bought some cigars and I bought some beer.

The CHAIRMAN. How much of it was spent for cigars and beer?

Mr. RUSSELL. I should judge perhaps about \$20.

The CHAIRMAN. About \$20 out of the \$75?

Mr. RUSSELL. Yes.

The CHAIRMAN. Were the saloons and places where liquors were sold open on election day in Wisconsin?

Mr. RUSSELL. No, sir. This was done the night before.

The CHAIRMAN. The night before the primaries?

Mr. RUSSELL. Yes, sir.

The CHAIRMAN. "Village of Neshkoro, 3 men, \$9." For what did you employ those three men?

Mr. RUSSELL. For the same purpose.

The CHAIRMAN. That is, to drink or to do work?

Mr. RUSSELL. They were willing to drink if I would buy. But I paid them——

The CHAIRMAN. For what did you spend it?

Mr. RUSSELL. The \$9 was paid to those three men for doing work.

The CHAIRMAN. For doing what kind of work?

Mr. RUSSELL. To get the voters out and try to persuade them to vote.

The CHAIRMAN. Here is an item "Cigars and drinks, hotel bills and livery, \$12." That item is bunched. You spent it for that purpose, did you, among the electors?

Mr. RUSSELL. Yes, sir.

The CHAIRMAN. "Montello, cigars, etc., \$8." That speaks for itself. You spent that money?

Mr. RUSSELL. Yes, sir.

The CHAIRMAN. In treating electors?

Mr. RUSSELL. Yes, sir.

The CHAIRMAN. "Col. Hugh Lewis, \$150." Who was Col. Hugh Lewis?

Mr. RUSSELL. He is a resident of Madison, and has a position in Washington.

The CHAIRMAN. He is the old man who testified here?

Mr. RUSSELL. Yes, sir. He was managing my campaign to a certain extent, and that money was paid for rent and clerk and incidental expenses—little debts we owed around town.

The CHAIRMAN. For headquarters expenses?

Mr. RUSSELL. Yes, sir.

The CHAIRMAN. Was he a comrade of yours?

Mr. RUSSELL. He was—not in my regiment; no, sir.

The CHAIRMAN. What was his service?

Mr. RUSSELL. I think he was in the Sixth Regiment. He was in the Iron Brigade.

The CHAIRMAN. What rank did he hold?

Mr. RUSSELL. Private. He got his title of "Colonel" by being on the governor's staff.

The CHAIRMAN. I see. It is a legitimate title?

Mr. RUSSELL. Yes.

The CHAIRMAN. I notice in this memorandum which you furnished the committee that part of the writing is in ink, and part is lead-pencil writing; and it bears evidence of having been written at different times. Is this a memorandum you kept at the time, or one you made up afterwards?

Mr. RUSSELL. No, sir; I made that up just the day before I was called on the stand.

The CHAIRMAN. How does it come that it is partly in lead pencil and partly in ink, and that that peculiarity runs clear through the instrument?

Mr. RUSSELL. I can not now explain why. I sat at the desk, though, and made it out.

The CHAIRMAN. Did you sit at the desk in your headquarters, or where?

Mr. RUSSELL. In my office in Madison.

The CHAIRMAN. I will say that it is most unusual in that there is no marked division between the pencil writing and the ink writing; it seems to have alternated. This exhibit will be copied into the record, in connection with the testimony of this witness, and returned to the superintendent of the State property, from whom it was received.

The exhibit referred to is as follows:

EXHIBIT 111.

Senator Hazelwood, of Jefferson	\$0. 20
Jabe Wells, Portage	100. 00
Charles Brown, Montello	100. 00
Quanchy, liveryman, Montello	15. 00
Dart, hotel, Montello	5. 00
George Waldo, Westfield	20. 00
Hinds, ex-postmaster of Lodi	50. 00
Packwaukee, two men	6. 00
Oxford, two men, hotel bill	8. 00
Wyocena, one man	4. 00
Rio, two men	6. 00
Wm. Middleton, of Berlin, to work in Seneca	20. 00
Wm. Delaney, town of Seneca	10. 00
County of Green Lake	75. 00
Village of Neshkoro, three men	9. 00
Cigars and drinks and hotel bills and livery	12. 00
Montello, cigars, etc.	8. 00
Col. Hugh Lewis	150. 00

The CHAIRMAN. With whom did you make your arrangement?

Mr. RUSSELL. To go back a little way, I had been an enthusiastic supporter of the primary election law, and when it passed I thought there was a chance for a poor man to get an office. I started out with about \$1,500 of my own money, and I had not gone a great way before I found out that I needed more money. Col. Lewis had been

down to Milwaukee, and I think he saw Mr. Sacket; and we went down there and had a talk with Mr. Sacket. I told him I thought with some money I could do some good work for myself and for Senator Stephenson. I was for Senator Stephenson anyway, because I had known him for 40 years. But I had no money. And so they agreed on this amount of money.

Senator POMERENE. Who agreed, do you say?

Mr. RUSSELL. Mr. Sacket, and I presume Mr. Edmonds. Of course he did. He agreed to it, too.

Senator POMERENE. About what time during the campaign was this?

Mr. RUSSELL. That I got the money?

Senator POMERENE. No; when you came with Col. Lewis to see Mr. Sacket?

Mr. RUSSELL. I do not remember; some time in the fore part of August or the latter part of July.

Senator POMERENE. I wish you would tell us just what was said there.

Mr. RUSSELL. We went up to the office and saw Mr. Sacket. I had known him since he was a boy. We got to talking about my campaign, and what I knew about Senator Stephenson's chances up through the country where I had been, and I told him. I told him the facts of the case, that I was getting out of money, and I could not go a great while longer without more money. Then he said he thought he could get some. That is the substance of it.

Senator POMERENE. What did you say it would require?

Mr. RUSSELL. To get out voters, hire teams, and employ workers at the polls.

Senator POMERENE. How much did you say you thought it would require?

Mr. RUSSELL. I did not name any price.

Senator POMERENE. What price did he name?

Mr. RUSSELL. They finally decided—I think he went and saw Mr. Edmonds.

Senator POMERENE. Did he go into another office and talk with Mr. Edmonds?

Mr. RUSSELL. No; not at that time. I do not remember that he did. Perhaps he did.

Senator POMERENE. What is there that makes you think he saw Mr. Edmonds?

Mr. RUSSELL. I am pretty certain he saw him, from what Mr. Lewis told me—that Mr. Edmonds agreed to this amount of \$750.

Senator POMERENE. And you got that; did you?

Mr. RUSSELL. Yes, sir.

Senator POMERENE. You had told Mr. Sacket that you had already expended a good deal of money in your candidacy for Member of Congress?

Mr. RUSSELL. Yes.

Senator POMERENE. And this \$750 was to be expended in what counties?

Mr. RUSSELL. The talk was, with the exception of the \$200 that went to Mr. Lewis, that the money I had was to be spent in Columbia and Marquette and Dodge Counties, I think; but mostly in Columbia and Marquette and Adams.

Senator POMERENE. This \$700 or \$750 that you got was furnished to workers for yourself and the Senator?

Mr. RUSSELL. Yes, sir. That is, Mr. Lewis had the \$200.

Mr. LITTLEFIELD. You gave him \$150?

Mr. RUSSELL. I gave him \$200 first; and then I gave him \$150 more to pay the expense of clerk hire and office rent, and some little debts we owed at the last end of the campaign.

Senator POMERENE. Did you keep an account of your expenditures?

Mr. RUSSELL. I kept an account of the money—any large amounts I paid out to anybody. I had that account.

Senator POMERENE. Have you got it yet?

Mr. RUSSELL. No, sir.

Senator POMERENE. Did you keep an account, at the time, of your disbursements of this sum of \$750?

Mr. RUSSELL. I had an account of everything of any amount that I paid out.

Senator POMERENE. Did you render any account of these expenditures to Mr. Sacket?

Mr. RUSSELL. No, sir.

Senator POMERENE. Or to Mr. Edmonds?

Mr. RUSSELL. No, sir.

Mr. POMERENE. Or to Senator Stephenson?

Mr. RUSSELL. No, sir.

Senator POMERENE. Or to anyone in his behalf?

Mr. RUSSELL. No, sir.

Senator POMERENE. Did they ask you for any account?

Mr. RUSSELL. No, sir.

Senator POMERENE. Did they suggest to you at any time that you should keep receipts for moneys which you paid out?

Mr. RUSSELL. No, sir.

Senator POMERENE. Nothing was said on that subject?

Mr. RUSSELL. No, sir.

Senator POMERENE. That is all.

Mr. LITTLEFIELD. What did Mr. Lewis do with the \$200 that you speak of as having given to him prior to the \$150 for taking care of the expenses at the headquarters?

Mr. RUSSELL. I do not know. I understood that that money was to be used for Senator Stephenson. I know that he was around the country a good deal in automobiles, and traveling around.

Mr. LITTLEFIELD. In the list you gave to the committee you gave items aggregating \$598.20; but in that list you do not include \$200 given to Col. Lewis?

Mr. RUSSELL. I had orders from Mr. Sacket to give that \$200 to Mr. Lewis.

Mr. LITTLEFIELD. That \$200 was sent to you to be delivered to Lewis?

Mr. RUSSELL. Yes, sir.

Mr. LITTLEFIELD. That, then, is not a part of the \$700 or \$750 that was given to you?

Mr. RUSSELL. Yes, sir.

Mr. LITTLEFIELD. The \$200 is?

Mr. RUSSELL. Yes.

Mr. LITTLEFIELD. That is, you include that in it?

Mr. RUSSELL. Yes, sir.

Mr. LITTLEFIELD. Then, if I understand it right, Mr. Edmonds gave you \$550, and in addition \$200 to be given to Col. Lewis?

Mr. RUSSELL. Yes, sir.

Mr. LITTLEFIELD. That is it. And you turned that \$200 over to Col. Lewis; did you?

Mr. RUSSELL. Yes, sir.

Mr. LITTLEFIELD. Then, after having turned that \$200 over to Col. Lewis (it having been sent to you by Mr. Edmonds), you have in your account \$150, which you say was for expenses of headquarters maintained for both yourself and Senator Stephenson?

Mr. RUSSELL. Yes, sir.

Mr. LITTLEFIELD. When you take the item of \$150 to Col. Lewis, does that include stationery and postage which were used both in your interest and in Senator Stephenson's interest?

Mr. RUSSELL. It included postage and stationery, more particularly for my own canvass.

Mr. LITTLEFIELD. When you made your statement to the committee, did you give your best recollection at that time of the parties to whom the money had been disbursed?

Mr. RUSSELL. Yes, sir.

Mr. LITTLEFIELD. And the purposes for which the disbursements were made?

Mr. RUSSELL. Yes, sir.

Mr. LITTLEFIELD. Have you given to the committee this morning the best recollection you have as to the manner in which the sum that came into your hands was disbursed?

Mr. RUSSELL. Yes, sir.

Mr. LITTLEFIELD. Were any of the sums that you thus disbursed used by you, either directly or indirectly, for the purpose of bribing or corruptly influencing any electors for the support of Senator Stephenson in the primary election?

Mr. RUSSELL. No, sir.

Mr. LITTLEFIELD. Were any of the sums that were placed by you in the hands of other parties such as you have described, so far as you know, used by them for the purpose of bribing or corruptly influencing any of the electors in the interest of Senator Stephenson in that primary election?

Mr. RUSSELL. No, sir.

Mr. LITTLEFIELD. I should like just a word about the position you occupy, so I may be quite clear about it. Do you act as an agent for the State of Wisconsin in the prosecution of private pension claims before the Pension Bureau in Washington?

Mr. RUSSELL. Yes, sir.

Mr. LITTLEFIELD. That is, the State of Wisconsin does not give pensions?

Mr. RUSSELL. No, sir.

Mr. LITTLEFIELD. But it does employ at its own expense a public agent who acts for private claimants?

Mr. RUSSELL. Yes, sir.

Senator POMERENE. Do I understand he is employed by the State?

Mr. LITTLEFIELD. Yes; that is what I understand. It is a curious situation.

Mr. RUSSELL. Yes, sir.

Mr. LITTLEFIELD. I never before saw anything like it. You were that agent?

Mr. RUSSELL. Yes, sir.

Mr. LITTLEFIELD. So that, so far as these claimants are concerned, their claims are prosecuted before the Pension Bureau without charge to them?

Mr. RUSSELL. Yes, sir.

Mr. LITTLEFIELD. And they get their pensions net. Is it a bureau that has active business?

Mr. RUSSELL. Yes, sir. We adjudicate a number of thousand claims every year.

Mr. LITTLEFIELD. You say you "adjudicate." What do you mean? Do you mean that the claims are presented to you, and if they impress you as being proper claims for presentation to the department, then they are presented?

Mr. RUSSELL. Yes, sir. A claim comes in, and we send the claimant instructions what to do; how to get the evidence; and, if necessary, write him sample affidavits, so as to get them up in proper form to go before the Commissioner of Pensions.

Mr. LITTLEFIELD. How many claims do you say you handle every year?

Mr. RUSSELL. About 2,000.

Mr. LITTLEFIELD. What was your rank when you finished your service in the regiment you referred to?

Mr. RUSSELL. First lieutenant.

Mr. LITTLEFIELD. How old are you now?

Mr. RUSSELL. If I live until the 3d of November I shall be 70 years old.

Mr. LITTLEFIELD. That is all.

Senator POMERENE. What is the number of your congressional district?

Mr. RUSSELL. The congressional district at the time I was a candidate?

Senator POMERENE. Yes. That is what I had in mind.

Mr. RUSSELL. The second district.

Mr. LITTLEFIELD. Who represents it now?

Mr. RUSSELL. John Nelson.

Mr. LITTLEFIELD. That is the Madison district, is it?

Mr. RUSSELL. Yes, sir.

Mr. LITTLEFIELD. He has been a member several terms?

Mr. RUSSELL. Yes, sir.

Mr. LITTLEFIELD. And is a Republican?

Mr. RUSSELL. Well, yes, sir.

The CHAIRMAN. I did not catch that answer.

Mr. LITTLEFIELD. After apparently deliberating some time, he said, "Yes, sir." I served with Mr. Nelson myself, and I thought he was a Republican then.

The CHAIRMAN. I saw his name in the paper yesterday, I think, as having been down at Chicago on some private business.

Mr. LITTLEFIELD. Do you still hold the office of pension agent?

Mr. RUSSELL. Yes, sir.

The CHAIRMAN. That is all.

TESTIMONY OF THOMAS M. PURTELL.

THOMAS M. PURTELL, having been previously sworn, was examined and testified as follows:

The CHAIRMAN. Where do you reside?

Mr. PURTELL. Madison, Wis.

The CHAIRMAN. How long have you resided there?

Mr. PURTELL. About 17 years.

The CHAIRMAN. What position, if any, do you hold?

Mr. PURTELL. State fire marshal.

The CHAIRMAN. How long have you held that position?

Mr. PURTELL. A little over four years.

The CHAIRMAN. Is it an elective or an appointive office?

Mr. PURTELL. Appointive; I am appointed by the governor.

The CHAIRMAN. Did you participate in the senatorial campaign of Mr. Stephenson in 1908?

Mr. PURTELL. Very little.

The CHAIRMAN. State how much you participated.

Mr. PURTELL. I only distributed \$175.

The CHAIRMAN. Who did?

Mr. PURTELL. I did.

The CHAIRMAN. You say you distributed that much?

Mr. PURTELL. Yes; I gave it to parties.

The CHAIRMAN. From whom did you receive it?

Mr. PURTELL. I received it from Mr. Sacket.

The CHAIRMAN. When did you receive it?

Mr. PURTELL. I do not know; some time in August. I think it was.

The CHAIRMAN. For what purpose was it given you?

Mr. PURTELL. I will explain to you how it happened to be sent to me. I was here in Milwaukee on business one day, and I got through, and I went around to the different headquarters. I knew almost all the men around the headquarters, and I dropped in there.

Senator POMERENE. What do you mean by "the different headquarters"?

Mr. PURTELL. The senatorial headquarters—Mr. Hatton's, and Mr. Cook's, and Mr. McGovern's, and Mr. Stephenson's. Mr. Edmonds wanted to know if I would do some work for him. I told him no, I was not doing any political work. Then he asked me to give him the names of some parties up north that would do some work for him. I gave him a list of names, and that is all that was said at the time. In about a week or 10 days I got a draft for \$175 from Mr. Sacket, asking me to distribute the money to parties I thought would do work for Mr. Stephenson—that I knew would do work; and I distributed \$175, and that was practically all the work I did.

The CHAIRMAN. When you say you distributed the money, do you mean that you paid it out for services to be rendered, or that you gave it to other people without any restrictions?

Mr. PURTELL. I gave it to other people to have them distribute the money to people that would do work for Mr. Stephenson.

The CHAIRMAN. Did you instruct those people to secure men who would work for Senator Stephenson?

Mr. PURTELL. Yes, sir.

The CHAIRMAN. You gave Mr. Mulvaney \$30, did you?

Mr. PURTELL. \$30.

The CHAIRMAN. Mr. Mulvaney lives at Wilson?

Mr. PURTELL. He lives at Wilson; yes, sir.

Mr. LITTLEFIELD. Will you get his full name, Mr. Chairman?

The CHAIRMAN. I have not his full name here.

Mr. PURTELL. Thomas Mulvaney.

Mr. LITTLEFIELD. What do you say his address is?

Mr. PURTELL. Wilson, Wis.

The CHAIRMAN. What did you instruct him to do with that money?

Mr. PURTELL. I instructed him to get out and see the voters, and get men to work at the polls on election day.

The CHAIRMAN. About when did you hand him that money?

Mr. PURTELL. It must have been two weeks, I think, before the primaries.

The CHAIRMAN. It was during the month of August?

Mr. PURTELL. I think it was; yes.

The CHAIRMAN. Just state in the language you used, if you can, or as nearly as you can, your instructions to Mr. Mulvaney.

Mr. PURTELL. He is a farmer in St. Croix County; and the instructions were to go out and see his friends all over the county—that is, wherever he could—and to have them get out to the polls, and, if necessary, hire teams and have them come out.

The CHAIRMAN. And interest them on behalf of Senator Stephenson?

Mr. PURTELL. Yes, sir.

The CHAIRMAN. You gave William Fay \$15?

Mr. PURTELL. \$15, for the same purpose.

The CHAIRMAN. He lives at Glenwood?

Mr. PURTELL. Glenwood.

Mr. LITTLEFIELD. How does the chairman spell that name?

The CHAIRMAN. F-a-y.

Mr. PURTELL. That is wrong. It is F-a-h-e-y. It is wrong in there.

The CHAIRMAN. And did you give Leon Oakes \$40?

Mr. PURTELL. I did; yes, sir.

The CHAIRMAN. He lives at Woodville?

Mr. PURTELL. Yes, sir.

The CHAIRMAN. For what purpose did you give that money to him?

Mr. PURTELL. He had the same instructions.

The CHAIRMAN. Did you give J. Door, at Cumberland, \$40?

Mr. PURTELL. Yes, sir.

Mr. LITTLEFIELD. How do you spell that name?

Mr. PURTELL. D-o-a-r.

The CHAIRMAN. Did you give J. W. Wilson, at Spooner, \$50?

Mr. PURTELL. The money was given to Mr. W. H. Cleary.

The CHAIRMAN. Was that for the same purpose?

Mr. PURTELL. The same purpose; yes, sir.

The CHAIRMAN. That is \$175, as I calculate it.

Mr. PURTELL. \$175. That is the amount of money I received—\$175.

The CHAIRMAN. What instructions did you give them about the manner in which they should spend that money, as to violation of the law or otherwise?

Mr. PURTELL. My instructions were to get out the voters for Mr. Stephenson, in his interest, and, if necessary, to hire teams and have men at the polls on election day.

The CHAIRMAN. Did they account to you for that money, as to the manner of spending it?

Mr. PURTELL. No, sir; they did not.

The CHAIRMAN. Did you ask them to do so?

Mr. PURTELL. No, sir.

The CHAIRMAN. Did you account to Senator Stephenson or to either Mr. Edmonds or Mr. Sacket for the money?

Mr. PURTELL. There was a list of the names sent to Mr. Sacket, showing the parties that got the money and the amount they got.

The CHAIRMAN. You reported to him the people to whom you had paid the money and the amounts paid them?

Mr. PURTELL. Yes, sir.

The CHAIRMAN. Did you, in that report, state the purpose for which you had given them the money?

Mr. PURTELL. No, sir.

The CHAIRMAN. And what they were to do for it?

Mr. PURTELL. No, sir; I did not.

The CHAIRMAN. I understood you to say that you made a statement to the headquarters as to the amount you had given each of these men?

Mr. PURTELL. I did.

Senator POMERENE. Did you have anything further to do with the campaign than what you have indicated in your testimony this morning?

Mr. PURTELL. That was the only thing.

Senator POMERENE. That is all I care to ask.

The CHAIRMAN. Do you wish to ask Mr. Purtell any questions?

Mr. LITTLEFIELD. Just a word.

Was any of this money thus disbursed by you disbursed either directly or indirectly for the purpose of bribing or corruptly influencing any elector in the interest of Senator Stephenson in this primary election?

Mr. PURTELL. Not to my knowledge.

Mr. LITTLEFIELD. Were any of the sums that you paid to the various men to whom you have referred, so far as you know, used by them either directly or indirectly for the purpose of bribing or corruptly influencing any electors in the interest of Senator Stephenson in this primary election?

Mr. PURTELL. No, sir.

Mr. LITTLEFIELD. That is all.

Senator POMERENE. Is there an F. Purtell?

Mr. PURTELL. My name is T. M. Purtell.

Senator POMERENE. I see a memorandum here in one of the records as follows: "F. Purtell, \$175." That probably refers to you?

Mr. PURTELL. That means me, probably.

TESTIMONY OF ROY L. MORSE.

ROY L. MORSE, having been previously sworn, was examined and testified as follows:

The CHAIRMAN. You have been sworn in this case?

Mr. MORSE. Yes, sir.

The CHAIRMAN. Where do you reside?

Mr. MORSE. Fond du Lac.

The CHAIRMAN. How long have you resided there?

Mr. MORSE. Ten years.

The CHAIRMAN. You are an elector of the State of Wisconsin?

Mr. MORSE. I am.

The CHAIRMAN. Have you held office in this State?

Mr. MORSE. I have.

The CHAIRMAN. What offices?

Mr. MORSE. District attorney of Fond du Lac County.

The CHAIRMAN. When did you hold that office?

Mr. MORSE. From 1901 to 1905.

The CHAIRMAN. Have you held other office?

Mr. MORSE. City attorney.

Mr. LITTLEFIELD. If the chairman will excuse me, I should like to have the record show that Col. Russell was commander of the Grand Army of the Republic for the State of Wisconsin.

The CHAIRMAN. That will appear as your statement now; not anywhere else.

Mr. LITTLEFIELD. I inquired of him about that as he stepped down by me.

The CHAIRMAN. What other positions have you held, besides that of district attorney?

Mr. MORSE. The only elective offices I have held have been district attorney and city attorney.

The CHAIRMAN. In this city, Milwaukee?

Mr. MORSE. Oh, no; the city of Ripon.

The CHAIRMAN. Were you ever a resident of Fond du Lac, Wis.?

Mr. MORSE. I have been a resident of the city of Fond du Lac for the past 10 years.

The CHAIRMAN. John J. Blaine, State senator from the sixteenth district, on January 26, 1909, filed specific charges challenging the validity of the election of Isaac Stephenson as a Senator from this State. In the sixth of those specific charges it is alleged as follows:

That in further pursuance of the purposes and design above stated, said Isaac Stephenson did, by and through his agents, prior to said primary, pay to one Roy Morse, of Fond du Lac, Wis., then an elector of this State, the sum of \$1,000 as a consideration for some act to be done by said Morse for said Isaac Stephenson preliminary to said primary, corruptly, and unlawfully.

Waiving the last phrase, as to the legal effect of it, is the statement contained in that charge true?

Mr. MORSE. It is not.

The CHAIRMAN. Did Isaac Stephenson, or any person representing him or purporting to represent him, at any time prior to the primary election in 1908, pay you the sum of \$1,000 as a consideration for any act to be done by you?

Mr. MORSE. No.

The CHAIRMAN. Did you receive any money for services to be rendered by you in behalf of Senator Stephenson during that senatorial campaign before the primary?

Mr. MORSE. I did.

The CHAIRMAN. How much?

Mr. MORSE. I received, in all, \$700; but that was not entirely for services to be rendered by me.

Senator POMERENE. \$700?

Mr. MORSE. \$700.

The CHAIRMAN. From whom did you receive it?

Mr. MORSE. I received the first \$200 from Mr. Puelicher.

The CHAIRMAN. Where?

Mr. MORSE. In the city of Milwaukee, at the Stephenson headquarters.

The CHAIRMAN. For what was that money given you?

Mr. MORSE. It was given to me to use in organizing Fond du Lac County in the interest of Mr. Stephenson's primary campaign.

The CHAIRMAN. Did you expend it for that purpose?

Mr. MORSE. I did.

The CHAIRMAN. Did you pay it all out to others?

Mr. MORSE. All of that first \$200; yes.

The CHAIRMAN. Did you render any account showing the manner of payments that you had made?

Mr. MORSE. Did I render an account?

The CHAIRMAN. Yes.

Mr. MORSE. I did not.

The CHAIRMAN. Were you ever requested to render an account?

Mr. MORSE. I was not.

The CHAIRMAN. Did you ever make an itemized statement as to the expenditure of that money?

Mr. MORSE. Not a complete one; no, sir.

The CHAIRMAN. Do you know when you received that sum of \$300?

Mr. LITTLEFIELD. \$200, Mr. Chairman, he says.

Mr. MORSE. The first payment was \$200.

The CHAIRMAN. The first payment was \$200?

Mr. MORSE. Yes; I received it on the second Saturday before the primary.

The CHAIRMAN. That you got from Edmonds?

Mr. MORSE. From Mr. Puelicher.

The CHAIRMAN. Was that in cash?

Mr. MORSE. In cash.

The CHAIRMAN. The second Saturday before the primary you received \$200 from Mr. Puelicher?

Mr. MORSE. Yes, sir.

The CHAIRMAN. Did you receive \$450 at any time in one payment?

Mr. MORSE. I did not.

The CHAIRMAN. What payment did you next receive?

Mr. MORSE. \$250.

The CHAIRMAN. From whom?

Mr. MORSE. It came from Milwaukee, with a note inclosed signed "Edmonds."

The CHAIRMAN. Can you give the date?

Mr. MORSE. I can not.

The CHAIRMAN. It was after the payment that you have already stated?

Mr. MORSE. Yes, sir.

The CHAIRMAN. When did you next receive a payment?

Mr. MORSE. Two or three days before the primary.

The CHAIRMAN. How much?

Mr. MORSE. \$250.

The CHAIRMAN. Was that August 27?

Mr. MORSE. I rather think it was later than that. I should have said that it was, perhaps, the 29th. It might have been the 27th.

The CHAIRMAN. In the testimony of Mr. Edmonds I find, on the 27th of August (page 593), this entry: "City of Fond du Lac, No. 33808, R. L. Morse, \$250." That number, 33808, is said to be the number of a cashier's check in which the money was transmitted; that is, a check for \$450. Two hundred and fifty dollars is the amount said to have been paid to you, and there appears to have been a total amount of \$450—looking as though your portion of it was transmitted through somebody else, or some other man's money transmitted through you. Which was it?

Mr. MORSE. No such check came.

The CHAIRMAN. You say no such check came?

Mr. LITTLEFIELD. No \$450 check? That is what you mean; is it?

Mr. MORSE. That is what I mean.

Mr. LITTLEFIELD. But it was a \$250 check?

Mr. MORSE. Yes.

The CHAIRMAN. It appears upon the face of this statement as an item of \$450, for which Mr. Edmonds claims credit against the campaign fund.

Mr. MORSE. That is an error. I never got that \$200.

The CHAIRMAN. And you can say nothing that would account for the statement that it was \$450?

Mr. MORSE. Except as I inquired from Mr. Black with regard to it down before the investigating committee at Madison; and I think he explained the error to me at that time. He made some explanation of it.

The CHAIRMAN. What did he tell you about it?

Mr. MORSE. I think he told me that the check showed that it was not \$450, but \$250, and that the \$200 charged up at that time went to Mr. Edmonds for some other purpose, although I am not sure.

The CHAIRMAN. That is, do I understand that he explained to you that out of that item \$250 was claimed to be sent to you, and the other \$200 used by Mr. Edmonds? Is that the statement?

Mr. MORSE. That is my recollection of his statement at Madison.

Senator POMERENE. Do you mean the attorney, Mr. Black, who is here representing Senator Stephenson?

Mr. MORSE. Yes.

The CHAIRMAN. The circumstances attending the conversation referred to will be found on page 2557. I will read that testimony, in order that it may be in the record. In response to a question as to whether or not that is "coaching" the witness [referring to some prior sparring], Mr. Black says:

Not a bit. I will explain to you what I showed to him. Mr. Morse asked me if the testimony or record here showed that he had received cashier's checks for \$450. That was the purpose, I believe, of his coming to my room last night. I told him that the record showed that he received \$450 at one time and \$250 at another. He stated that, so far as the total amount of \$700 was concerned, it was correct; but he never had received any check of \$450; that he had received a check of \$250. I believe, two checks of \$250, and \$200 in cash. I told him that I didn't have them with me at the hotel, the volume which contained the statement of Mr. Sacket; I merely had a copy of the Free Press statement, which shows one item, and if you will look here you will find that under that item of \$450 there is a cashier's check of \$250, and then carried out the total of \$450. I showed that to Mr. Morse this morning.

Some colloquy follows between counsel and members of the committee. I read that merely to ask you whether or not that colloquy occurred at that hearing, and whether it states the fact?

MR. MORSE. That did occur, and states the fact, with the exception that in the room I think I remember that Mr. Black told me that he thought the other \$200 went to Mr. Edmonds.

THE CHAIRMAN. That is, in the interview?

MR. MORSE. In the interview with Mr. Black.

THE CHAIRMAN. At his room?

MR. MORSE. At his room.

THE CHAIRMAN. Now, we will recur to the sixth charge made by Mr. Blaine. State whether or not the receipt and expenditure of money to which you have testified this morning is the only possible foundation for the charge made by Mr. Blaine in his specific charges against Senator Stephenson's election.

MR. MORSE. It must be, because I had absolutely no other connection with Mr. Stephenson's campaign.

THE CHAIRMAN. Did you expend this money that you testified to having received, and if so how?

MR. MORSE. I paid out that money, about \$200, to men outside the city of Fond du Lac in the county, and about \$200 in the city of Fond du Lac; I paid the \$50 for advertising, stamps, men putting up posters, distributing literature; and I paid out \$150, or within a dollar or so of that, in my personal expenses, in going around the city and county in the interest of the Stephenson campaign.

THE CHAIRMAN. You testified that you kept a memorandum of these expenses during the campaign. Where is that memorandum?

MR. MORSE. I was not able to find that memorandum. I had a tablet upon my desk in my office, in which I put down certain figures, the amount of money I had spent, when I came back from a trip. That I could not find at the time I went to Madison, and I have not been able to find it since.

THE CHAIRMAN. Did you charge any fixed sum per day for your services?

MR. MORSE. I arranged with Mr. Overbeck, or Mr. Puelicher, to receive \$25 a day for my services in that campaign.

THE CHAIRMAN. That was independent of any moneys that you were to pay out, was it?

MR. MORSE. It did not come about just in that way. They said that they had——

Senator POMERENE. When you say "they," please explain whether it was one or the other.

MR. MORSE. Either Mr. Puelicher or Mr. Overbeck.

THE CHAIRMAN. Were they together?

Mr. MORSE. Mr. Overbeck saw me in Fond du Lac, and I saw Mr. Puelicher in Milwaukee. I think it was Mr. Puelicher. They said they should not spend in Fond du Lac more than \$700, in the campaign; and that I could take my \$25 a day out of the \$700.

The CHAIRMAN. Did you deduct \$25 a day for your own expenses?

Mr. MORSE. I did not. I did not deduct that much, because the campaign required more than would be left. I had, when I got through, about \$90, for my own services.

The CHAIRMAN. You say, on page 2567, that you spent more than \$500 in the campaign in Fond du Lac.

Mr. MORSE. Oh, yes; I did.

The CHAIRMAN. That was true?

Mr. MORSE. In Fond du Lac County and in the work I did. That was true; yes, sir.

The CHAIRMAN. You meant the county?

Mr. MORSE. Yes.

The CHAIRMAN. The word "county" is not here, but I suppose you referred to the county?

Mr. MORSE. Yes. I will explain that. I also made two trips over into Green Lake County; the east end of Green Lake County.

The CHAIRMAN. You follow that by saying:

I kept a little pencil memorandum during the campaign of amounts that were spent for different purposes, and it showed—I don't remember exactly what it showed, but it showed that I had spent, for workers outside of the city of Fond du Lac, about \$200, and for workers in the city of Fond du Lac nearly \$200. That I had spent for persons who posted up posters and distributed his literature and for livery rigs, my own—no, for stamps and other material of that kind about \$50; and that my personal expenses, as I went around the county, was about \$150.

Is that true?

Mr. MORSE. That is true.

The CHAIRMAN. You make that statement now?

Mr. MORSE. I do.

The CHAIRMAN. You were then asked:

Q. Well, now, what was the greatest sum of money you paid to any person, any worker or any other person?

To which you replied:

A. \$90.

Mr. MORSE. Yes, sir.

The CHAIRMAN. Is that true?

Mr. MORSE. That is true.

The CHAIRMAN. Did you testify that you paid \$90 to Mr. Downey, of the village of Fond du Lac?

Mr. MORSE. Of the village of North Fond du Lac.

The CHAIRMAN. Yes; of the village of North Fond du Lac.

Mr. MORSE. Yes.

Mr. LITTLEFIELD. Will you give the full name of Mr. Downey, please?

Mr. MORSE. James Downey.

The CHAIRMAN. Did you pay him \$90?

Mr. MORSE. I did.

The CHAIRMAN. For what purpose did you pay him \$90?

Mr. MORSE. To organize the village of North Fond du Lac in the interest of Mr. Stephenson's campaign.

The CHAIRMAN. Define what you mean by "organize."

Mr. MORSE. By "organize" I mean to so arrange matters that votes can be gotten out for the candidate—to advertise the candidate and advertise what he stands for, etc.

The CHAIRMAN. That is what he was to do with the \$90?

Mr. MORSE. Yes.

The CHAIRMAN. Did he report to you that he had spent it in that way?

Mr. MORSE. I did not ask him.

The CHAIRMAN. Did he, as a matter of fact?

Mr. MORSE. No, sir; he did not.

The CHAIRMAN. You have no knowledge as to how he expended that money?

Mr. MORSE. No personal knowledge, no; except that I know certain men that he employed. I know that he did employ certain men at North Fond du Lac who were working for Mr. Stephenson.

The CHAIRMAN. Do you know what he paid them?

Mr. MORSE. No; I do not.

The CHAIRMAN. Did you pay George Murray some money?

Mr. MORSE. I paid George Murry \$60.

The CHAIRMAN. For the same class of services?

Mr. MORSE. Yes.

The CHAIRMAN. Or for a different class of services?

Mr. MORSE. Mr. Murray went around through the southern and eastern towns and carried literature with him and employed men there—what we call poll workers.

The CHAIRMAN. And you paid him \$60?

Mr. MORSE. \$60.

The CHAIRMAN. Did you pay James Murray \$20?

Mr. MORSE. I did.

The CHAIRMAN. For what purpose?

Mr. MORSE. To use in the north wards of the city of Waupun, in Fond du Lac County.

The CHAIRMAN. Do you know whether he used that money in the interest of Senator Stephenson?

Mr. MORSE. No; I do not.

The CHAIRMAN. Did you pay James Drankus \$15?

Mr. MORSE. I paid him \$15.

The CHAIRMAN. For what purpose?

Mr. MORSE. To be used by him in the—I do not remember the number of the ward.

The CHAIRMAN. Was it the fourth ward?

Mr. MORSE. Yes.

The CHAIRMAN. Did you pay Mr. D. O. Williams any money? He is your law partner.

Mr. MORSE. Mr. D. O. Williams was my law partner, and I gave him \$15. I think Mr. Williams spent most of that money in work that he had done while I was out of the city.

The CHAIRMAN. For what purpose did you give Pat Moriarty \$15?

Mr. MORSE. I gave Moriarty \$15 to do work there in the city of Fond du Lac in the interest of Senator Stephenson.

The CHAIRMAN. Did you pay John Kinney \$10?

Mr. MORSE. \$10; yes, sir.

The CHAIRMAN. For what purpose?

Mr. MORSE. For the same purpose.

The CHAIRMAN. You say you paid out all of this money except what you kept for your own services?

Mr. MORSE. I did.

Senator POMERENE. Mr. Morse, you have given a number of instances here in which you paid sums of money to different people. For what purpose was this money paid to them?

Mr. MORSE. It was paid to them for their services, and to distribute to others in working in the interest of Senator Stephenson, in Fond du Lac County.

Senator POMERENE. You mean for workers about the polls, do you?

Mr. MORSE. Well, partly——

Senator POMERENE. Was anything paid for any other purpose?

Mr. MORSE. Yes. Where I found that a man of some influence was in favor of the Senator I got him to put in some time, and I paid him for that time. It might have been several days before the primary.

Senator POMERENE. You mean, going around talking up Stephenson sentiment?

Mr. MORSE. Yes, sir.

Senator POMERENE. And enlisting the support and sympathy of voters in his behalf?

Mr. MORSE. Exactly; yes, sir.

Senator POMERENE. Was it spent for any other purpose?

Mr. MORSE. It might have been spent for some other purpose.

Senator POMERENE. To pay men for their time in going to the polls?

Mr. MORSE. No.

Senator POMERENE. Was any of this money expended in that way, so far as you know?

Mr. MORSE. For paying men for going to the polls?

Senator POMERENE. Yes.

Mr. MORSE. No; I do not think so.

Senator POMERENE. None of it was spent in that way, to your knowledge?

Mr. MORSE. None to my knowledge.

Senator POMERENE. Did any of these men to whom you gave this money render any account to you?

Mr. MORSE. They did not.

Senator POMERENE. As to their method of expenditure?

Mr. MORSE. They did not.

Senator POMERENE. Part of it, I assume, was spent in treating?

Mr. MORSE. I presume so, although I have no personal knowledge as to any treating on the part of men to whom I gave money.

Senator POMERENE. Did you do any of it yourself?

Mr. MORSE. I presume I did. I presume I stopped at saloons on the way around the county and bought for the different ones who were there. That is orthodox in the State of Wisconsin.

Senator POMERENE. About how much did you expend in that way?

Mr. MORSE. Oh, very little. Out of that \$150 that I spent in going around the county, I should not say that it was more than \$25 altogether.

Senator POMERENE. You say the \$150 was spent in going around the county. Do you mean by that that you expended that money for livery hire, hotel bills, and so on?

Mr. MORSE. Most of that was for automobile hire.

Senator POMERENE. How was the amount which was afterwards placed in your hands determined upon?

Mr. MORSE. I first had a conversation with Mr. Overbeck at Fond du Lac, in my office. He came to my office and asked me to do this. I believe we talked over the amount that would be required to organize Fond du Lac County. After that talk he said that they had decided, or the committee had decided, or somebody had decided, that \$700 could be sent up to me.

Senator POMERENE. Then you got that in these three several payments that you speak of?

Mr. MORSE. I did.

Senator POMERENE. Had you talked with anyone else other than Mr. Overbeck and Mr. Puelicher as to what you were to do?

Mr. MORSE. As to what I was to do?

Senator POMERENE. Yes. Had you talked with anyone else connected with the campaign or the management of the campaign?

Mr. MORSE. The first talk I had in reference to it was with Mr. Earle Morgan, of Oshkosh.

Senator POMERENE. He is a son-in-law of Senator Stephenson?

Mr. MORSE. I believe so.

Senator POMERENE. When was that?

Mr. MORSE. That must have been a week before I came to Milwaukee. Maybe it was more than that.

Senator POMERENE. Was any arrangement made at that time for placing any money in your hands?

Mr. MORSE. Oh, no. Nothing was said.

Senator POMERENE. It was just a sort of a general talk on the subject?

Mr. MORSE. I shall have to think. I had either a telephone message from Mr. Morgan, or a letter from Mr. Morgan, in which he stated that he had heard that I was working for or talking for Stephenson. A short time afterwards I had another telephone message, in which he asked me about the situation, and I told him there was nothing being done at all; that there were only a few of us down there that were for Mr. Stephenson, or only a few who were doing anything for Senator Stephenson's interest, and that the other candidates had organized the county; and I asked him if he was not going to do anything there. I told him he ought to get some one there and do some organizing. He asked me if I would do it, and I told him no, I would not, and could not; that I did not have the time. I gave him some names. The next thing I knew about it Mr. Overbeck came to Fond du Lac.

Senator POMERENE. Did you render any account of what you had expended?

Mr. MORSE. I did not.

Senator POMERENE. Either to Senator Stephenson or to Mr. Puelicher or anyone else?

Mr. MORSE. No; except as I gave it first to the committee at Madison.

Senator POMERENE. I mean anyone connected with the campaign?

Mr. MORSE. Oh, no.

Senator POMERENE. And you had not been asked to do it?

Mr. MORSE. I had not.

Senator POMERENE. I think that is all.

The CHAIRMAN. Do you wish to examine the witness, Mr. Littlefield?

Mr. LITTLEFIELD. Yes, Mr. Chairman; I have a few questions.

Mr. MORSE, have you given to the committee the names of all the gentlemen that you employed, or to whom you intrusted money, in the campaign?

Mr. MORSE. I have not.

Mr. LITTLEFIELD. Can you remember any others?

Mr. MORSE. You mean, have I given to this committee the names of all that I can remember?

Mr. LITTLEFIELD. Yes.

Mr. MORSE. I have not.

Mr. LITTLEFIELD. Give the committee any names, in addition to those you have already given, of persons whom you employed in a similar manner, giving the names and the amounts, so far as you can remember them.

Mr. MORSE. I made out a list and gave it to some one of the committee at Madison, which must be in the record somewhere.

Mr. LITTLEFIELD. Is that in the record? Do you find anything about that, Mr. Chairman?

Senator POMERENE. What was that?

Mr. MORSE. I made out a list that they asked me for at that time. They asked me to furnish a list of the names of these workers, or men I employed, and I got it out and left it at Madison with some one connected with that committee.

Mr. LITTLEFIELD. Let us see if we have that.

Mr. MORSE. That would be more full than my memory could make it now.

The CHAIRMAN. It is but a few minutes before adjourning time, and if counsel desires to continue the cross-examination of this witness, we will let him stand aside a few minutes until we examine J. W. B. Van Houten, who has brought the box of papers into the committee room.

Mr. MORSE, you will return to the stand after the noon recess.

TESTIMONY OF J. W. B. VAN HOUTEN.

J. W. B. VAN HOUTEN, being duly sworn, was examined and testified as follows:

The CHAIRMAN. Have you brought into the committee room a box containing papers?

Mr. VAN HOUTEN. I have.

The CHAIRMAN. Do you know the contents of that box? Are you familiar with the contents of the box?

Mr. VAN HOUTEN. In a general way; yes.

The CHAIRMAN. Have you been through the papers in that box to examine them?

Mr. VAN HOUTEN. Not all of them; no, sir.

The CHAIRMAN. You have as to a part of them?

Mr. VAN HOUTEN. A very few.

The CHAIRMAN. What class of papers does the box contain?

Mr. VAN HOUTEN. Mostly letters.

The CHAIRMAN. To what do they relate?

Mr. VAN HOUTEN. To the Stephenson campaign.

The CHAIRMAN. Have you any list or classification of them?

Mr. VAN HOUTEN. No, sir.

The CHAIRMAN. Is the box locked or unlocked?

Mr. VAN HOUTEN. I think it is locked.

The CHAIRMAN. When was it locked?

Mr. VAN HOUTEN. I could not say.

The CHAIRMAN. So far as you know, it has always been locked?

Mr. VAN HOUTEN. No. It has not always been locked.

The CHAIRMAN. When did you last see it open?

Mr. VAN HOUTEN. It was open yesterday.

The CHAIRMAN. You saw it open yesterday?

Mr. VAN HOUTEN. The cover was closed, but it was not locked.

The CHAIRMAN. Did you handle the papers in it yesterday?

Mr. VAN HOUTEN. Yes, sir.

The CHAIRMAN. What were you doing with them?

Mr. VAN HOUTEN. Sorting them out in a general way—that is, trying to get them in alphabetical form.

The CHAIRMAN. Did you return to the box yesterday all the papers that you had handled or taken out of it?

Mr. VAN HOUTEN. Yes, sir.

The CHAIRMAN. You did not retain any of them, or take any of them out of the box?

Mr. VAN HOUTEN. No, sir.

The CHAIRMAN. How often have you handled the papers in that box?

Mr. VAN HOUTEN. Yesterday was the only time.

The CHAIRMAN. Who was present when you were handling the papers in the box?

Mr. VAN HOUTEN. Mr. Russell, connected with our office, and two or three of the stenographers.

The CHAIRMAN. All of them were of the office force?

Mr. VAN HOUTEN. Yes, sir.

The CHAIRMAN. Did any of them retain or remove any papers from the box?

Mr. VAN HOUTEN. Not to my knowledge; no, sir.

The CHAIRMAN. Would you know it if they had done so?

Mr. VAN HOUTEN. I think so. We were all in the one room.

The CHAIRMAN. Had any of them been removed from that box, to your knowledge, at any time previous to yesterday?

Mr. VAN HOUTEN. Not to my knowledge; no, sir.

The CHAIRMAN. Do you know whether they had been removed?

Mr. VAN HOUTEN. I could not say.

The CHAIRMAN. When did you first become acquainted with that box or its contents?

Mr. LITTLEFIELD. It is a trunk, I think, Mr. Chairman.

The CHAIRMAN. It is a trunk, is it?

Mr. LITTLEFIELD. Yes; it is a trunk; not a box.

Mr. VAN HOUTEN. A week or 10 days ago, or some such matter.

The CHAIRMAN. Is this a trunk?

Mr. VAN HOUTEN. Yes, sir.

The CHAIRMAN. Did you know of the fact of these papers being in a box before they were in a trunk?

Mr. VAN HOUTEN. No. I did not know they were in a box. That is the way they came—in a trunk.

The CHAIRMAN. They were always in the same trunk in which you brought them in here?

Mr. VAN HOUTEN. Yes.

The CHAIRMAN. Some testimony was introduced here that these papers were placed in a box about 3 feet wide and about 3 or 4 feet long and 2 or 3 feet high, if I remember the dimensions. Did you ever see that box?

Mr. VAN HOUTEN. No, sir.

The CHAIRMAN. The first time you knew of the existence of these papers they were in a trunk, were they?

Mr. VAN HOUTEN. In the same trunk they are in now.

The CHAIRMAN. When was that?

Mr. VAN HOUTEN. About 10 days ago.

The CHAIRMAN. Do you know where they were prior to that time?

Mr. VAN HOUTEN. I do not.

The CHAIRMAN. Do you know whence they came, when they were brought to the office?

Mr. VAN HOUTEN. No, sir.

The CHAIRMAN. Who brought them there?

Mr. VAN HOUTEN. I think the trunk came by express. I am not sure.

The CHAIRMAN. It came by express?

Mr. VAN HOUTEN. I think so.

The CHAIRMAN. Are you in charge of the office? Who is the ranking employee in the office?

Mr. VAN HOUTEN. I guess I am in charge.

The CHAIRMAN. Do you know whether they came by express or not?

Mr. VAN HOUTEN. I could not say.

The CHAIRMAN. Do you know?

Mr. VAN HOUTEN. No; I do not.

The CHAIRMAN. From what place did they come by express?

Mr. VAN HOUTEN. I do not know.

The CHAIRMAN. To whom did they come? To whom were they addressed?

Mr. VAN HOUTEN. I think the trunk came into the office during my absence; that is, while I was out of the office, and the first time I saw it it was in our vault. I think the label on it was: "W. E. Black, Milwaukee, Wisconsin." I would not swear to that.

The CHAIRMAN. Is there anything to indicate from whom it was sent?

Mr. VAN HOUTEN. I did not look at it closely.

The CHAIRMAN. Has any label been removed from it since it was received at the office?

Mr. VAN HOUTEN. I do not know. I do not know whether the label is on there now or not. I did not take notice.

The CHAIRMAN. How large a trunk is this?

Mr. VAN HOUTEN. It is a steamer trunk. It is not very large.

The CHAIRMAN. Mr. Secretary have it brought into the room.

Whose trunk is it, Mr. Van Houten?

Mr. VAN HOUTEN. I do not know.

The CHAIRMAN. Go with the officer of the committee and bring it into the room.

(The trunk referred to was brought into the hearing room.)

The CHAIRMAN. I will ask the stenographer to mark that trunk so that it may be identified in connection with the testimony of this witness.

(The trunk referred to was marked "Exhibit Van Houten No. 1, October 18, 1911.")

The CHAIRMAN. Have you the key of this trunk?

Mr. VAN HOUTEN. No, sir; I have not.

The CHAIRMAN. To whom did you deliver the key?

Mr. VAN HOUTEN. I never had the key.

The CHAIRMAN. You never had the key to the trunk?

Mr. VAN HOUTEN. No, sir.

The CHAIRMAN. I notice a label is removed, in part, from the top of the trunk, and a lead pencil has been used to erase certain marks. Did you do that?

Mr. VAN HOUTEN. No, sir.

The CHAIRMAN. Do you know who did?

Mr. VAN HOUTEN. I do not.

The CHAIRMAN. You do not know from where this trunk came, do you?

Mr. VAN HOUTEN. I do not.

The CHAIRMAN. To whom did you deliver the key?

Mr. VAN HOUTEN. I never had the key.

The CHAIRMAN. You never had it?

Mr. VAN HOUTEN. It was never in my possession.

The CHAIRMAN. Who unlocked the trunk when you were examining its contents?

Mr. VAN HOUTEN. It was unlocked at the time I went in there.

The CHAIRMAN. Who locked it?

Mr. VAN HOUTEN. I do not know.

The CHAIRMAN. That is all. You may be called again, Mr. Van Houten.

STATEMENT OF ADDISON T. SMITH, SECRETARY OF THE COMMITTEE.

The CHAIRMAN. From whom did you receive the key to this trunk, Mr. Smith?

Mr. SMITH. I received the key from Attorney Black, this morning.

The CHAIRMAN. That is all. You will retain the key, as the custodian of the trunk. The trunk will be in your custody.

(Whereupon, at 12.35 o'clock p. m., the committee took a recess until 2 o'clock p. m.)

AFTER RECESS.

At the expiration of the recess, the subcommittee reassembled.

TESTIMONY OF ROY L. MORSE—Resumed.

Mr. LITTLEFIELD. Mr. Chairman, I should like to have an examination made of the exhibits left here by Mr. Essmann, for the purpose of ascertaining whether a memorandum which was left by Mr. Morse with the investigation committee in Madison is among the list of exhibits. I understood Mr. Morse to state that he made a list of the parties to whom he paid money during the campaign, which list

contains names in addition to those about which he has been inquired of, and that he left that list with the committee. Am I correct about that, Mr. Morse?

Mr. MORSE. That is true. You will find they asked me to do so, by vote, right before the end of my testimony; and before leaving Madison I did so. I filed the list with them.

Mr. LITTLEFIELD. Do you know whether it was marked as an exhibit?

Mr. MORSE. I do not.

The CHAIRMAN. It is not among the list of exhibits which I have taken from the testimony.

Mr. BLACK. You will find a reference to it at the bottom of page 2582 of the primary investigation committee's testimony.

Mr. LITTLEFIELD. The chairman states, as I understand it, that the list that was made by Mr. Essmann and left with this committee does not show any exhibit consisting of this expense account.

The CHAIRMAN. No; I was referring to another list that I have had made from this testimony.

Mr. LITTLEFIELD. And that does not show it?

The CHAIRMAN. That is the list that I had made from the testimony before coming to Milwaukee. I have not checked it since it was made, but I have found it generally correct. It shows Exhibit 473 in connection with the testimony of Mr. Morse; and that is an affidavit concerning Senator Stephenson's campaign in Fond du Lac County. That the clerk has just produced. That is the only exhibit here shown to exist.

Mr. BLACK. About the middle of page 2583 of the printed testimony of the investigation committee I find this statement by the chairman to that committee:

The ayes seem to have it, so Mr. Morse will prepare and send to the committee that list as far as he is able to prepare it.

The WITNESS. I will.

That seems to be the end of it.

Mr. LITTLEFIELD. Exhibit 473 relates to another phase of the matter.

You did prepare a list, Mr. Morse, at the request of the committee, giving them the names of such additional persons to whom you had paid money during the campaign for the purpose indicated, in addition to those that you had specified before the committee?

Mr. MORSE. I certainly did.

Mr. LITTLEFIELD. In the absence of this list made at that time, can you now remember the names of any persons to whom you paid money and the amounts paid for organization purposes, in addition to those that have already been inquired of by the committee?

Mr. MORSE. That is three years ago. I think I could remember some.

Mr. LITTLEFIELD. Give all that you can remember.

Mr. MORSE. I remember Mr. Roy, in the thirteenth ward, to whom I paid, I think, \$5.

Mr. LITTLEFIELD. What is his given name?

Mr. MORSE. He is a groceryman in the thirteenth ward. He was a man who knew the Senator. He said he used to work for him; and I went and got him, and he worked for him in the campaign. In the

sixteenth ward I paid the engineer at the Fond du Lac Table Manufacturing Co. \$5.

Mr. LITTLEFIELD. Do you remember his name?

Mr. MORSE. I do not. I forget it now. I could not give you a complete list.

Mr. LITTLEFIELD. Do you remember any others than the last two that you have mentioned? All I want is to get your best recollection.

Mr. MORSE. There was Mr. Brunkhorst.

The CHAIRMAN. I suppose that is the same as Mr. Drankus, from the fourth district?

Mr. MORSE. Oh, no. That is a different man altogether.

Mr. LITTLEFIELD. How much did you give Mr. Brunkhorst?

Mr. MORSE. I could not be sure, but I think \$10.

Mr. LITTLEFIELD. What is his given name, if you remember?

Mr. MORSE. I do not remember his first name.

Mr. LITTLEFIELD. Do you remember any others? If so, go right along with them and give their full names and the amounts you paid them.

Mr. MORSE. I remember a man in the seventh ward—William Zoellner.

Mr. LITTLEFIELD. How much did you give him?

Mr. MORSE. I can not remember. It was not less than \$5, but I can not be accurate as to the amount.

Mr. LITTLEFIELD. Do you remember any others?

Mr. MORSE. I do not recall any others.

Mr. LITTLEFIELD. Will you be kind enough to state whether or not any of the sums that were disbursed by you in this campaign were disbursed by you, either directly or indirectly, for the purpose of bribing or corruptly influencing any of the electors of the State in the interest of Senator Stephenson in that primary campaign?

Mr. MORSE. They were not.

Mr. LITTLEFIELD. Were any of the sums that were paid out by any of the men to whom you gave these funds for the purpose indicated, so far as you know, used by them for the purpose of bribing or corruptly influencing any electors in that primary election in the interest of Senator Stephenson?

Mr. MORSE. Not to my knowledge.

Mr. LITTLEFIELD. And you have given, so far as you can, from your present recollection, the details of the disbursements by you?

Mr. MORSE. Yes, sir.

Mr. LITTLEFIELD. Do you know E. A. Morse, of Fond du Lac?

Mr. MORSE. I know E. A. Morse, of Antigo.

Mr. LITTLEFIELD. Do you know anything about any sums received by him in the campaign, or whether he received any?

Mr. MORSE. I do not know anything about it.

Mr. LITTLEFIELD. We had the name of E. A. Morse, represented as of Fond du Lac County.

Mr. MORSE. That is a mistake.

Mr. LITTLEFIELD. He is of Antigo?

Mr. MORSE. Yes; he is in Antigo, Langlade County. He is the Congressman from that district now.

Mr. LITTLEFIELD. You are a practicing attorney in the town where you live—Fond du Lac?

Mr. MORSE. I am.

Mr. LITTLEFIELD. And you have been for how long?

Mr. MORSE. I have been in Fond du Lac 10 years.

Mr. LITTLEFIELD. How long have you been a practicing attorney? How long have you been a member of the bar?

Mr. MORSE. Since 1896.

Mr. LITTLEFIELD. That is all.

The CHAIRMAN. The witness is excused.

Mr. LITTLEFIELD. Mr. Chairman, when the chairman says that the witnesses are excused, I will inquire if that means that they are finally excused?

The CHAIRMAN. No. The clerk of the committee will give them a certificate only upon being instructed so to do. Do you want this witness any longer?

Mr. LITTLEFIELD. No; I do not; but I did not know whether the witnesses understood they were excused or not.

The CHAIRMAN. Then this witness may be excused from further attendance.

Senator POMERENE. Perhaps counsel ought to indicate to the committee if there are any that they wish to retain.

Mr. LITTLEFIELD. Oh, yes; if there are any that we desire to have retained in attendance, we will indicate the fact before they leave the stand. I simply make that inquiry of the committee so that there will be no confusion on the part of witnesses.

TESTIMONY OF GEORGE E. DEE.

GEORGE E. DEE, having been previously duly sworn, testified as follows:

The CHAIRMAN. Mr. Dee, where do you reside?

Mr. DEE. Chippewa Falls.

The CHAIRMAN. How long have you resided there?

Mr. DEE. Fourteen years.

The CHAIRMAN. What is your business?

Mr. DEE. The newspaper business.

The CHAIRMAN. What paper are you connected with?

Mr. DEE. The Chippewa Herald.

The CHAIRMAN. Are you the proprietor of that paper?

Mr. DEE. Yes, sir.

The CHAIRMAN. Also the editor of it?

Mr. DEE. Yes, sir.

The CHAIRMAN. What is the political disposition of that paper?

Mr. DEE. Republican.

The CHAIRMAN. Did you support Senator Stephenson's candidacy during the campaign of 1908?

Mr. DEE. I did.

The CHAIRMAN. During the campaign for the primary election?

Mr. DEE. Yes, sir.

The CHAIRMAN. Did you receive any money from Senator Stephenson, or from any of his representatives, as a consideration for supporting him during that campaign?

Mr. DEE. I received money from him for advertising.

The CHAIRMAN. The question is specific: Did you receive any money from Senator Stephenson, or any person representing him, as a consideration for supporting him in your paper?

Mr. DEE. No, sir.

The CHAIRMAN. You did receive money for some purpose?

Mr. DEE. Yes, sir.

The CHAIRMAN. From whom did you receive it?

Mr. DEE. I received \$150 from M. C. Ring, of Neillsville.

The CHAIRMAN. Who is M. C. Ring?

Mr. DEE. A farmer of Neillsville, I suppose.

The CHAIRMAN. Who is he, that he should be paying you money on behalf of Senator Stephenson?

Mr. DEE. He made a contract with me for advertising the Senator's candidacy.

The CHAIRMAN. Was he representing Senator Stephenson?

Mr. DEE. I supposed he was.

The CHAIRMAN. Did he represent himself to be so?

Mr. DEE. I think he did; yes.

The CHAIRMAN. And he gave you \$150—for what purpose?

Mr. DEE. He wanted the Senator liberally advertised in the columns of the Herald.

The CHAIRMAN. Did he pay for the advertisement?

Mr. DEE. I think he did; yes.

The CHAIRMAN. Was the \$150 which he gave you a payment for advertising which was done in your paper?

Mr. DEE. Yes, sir.

The CHAIRMAN. Was there any other or further bill rendered by you to any person for that advertising?

Mr. DEE. No, sir; not that I remember.

The CHAIRMAN. So that that was the consideration?

Mr. DEE. Yes, sir.

The CHAIRMAN. Did Mr. Ring furnish you the material that you inserted in the paper, or did you write it?

Mr. DEE. I may have written some of the articles, and some of them were sent from headquarters, and there were some that I took from other papers. Mr. Ring did not send me any material. He may have sent some articles from headquarters. I would not say whether he did or did not. I might have gotten some of what the boys call "boiler-plate" from him—some articles that were furnished generally to all the press.

The CHAIRMAN. You did receive a plate containing his picture and some statements in regard to his candidacy, I suppose; did you?

Mr. DEE. We had a cut of Senator Stephenson. I do not recall just what source it came from.

The CHAIRMAN. Did you spend or pay out any money on behalf of Senator Stephenson's campaign to any other person?

Mr. DEE. I did, in organizing a crew of poll workers for the primary.

The CHAIRMAN. How much did you pay out?

Mr. DEE. I received \$200 from the headquarters for that; and I figured up after the campaign that I had paid out a little more than that.

The CHAIRMAN. You received \$200 directly from the campaign headquarters in Milwaukee?

Mr. DEE. Yes, sir.

The CHAIRMAN. In addition to the \$150 which Mr. Ring paid you?

Mr. DEE. Yes, sir.

The CHAIRMAN. What did you do with the \$200?

Mr. DEE. It was paid for organizing a set of poll workers for the county there.

The CHAIRMAN. How much of the \$200 did you pay out?

Mr. DEE. I paid it all out.

The CHAIRMAN. You retained none of that for your own services?

Mr. DEE. No; no.

The CHAIRMAN. Did you receive any other sum of money on behalf of the Stephenson campaign than the \$150 or the \$200?

Mr. DEE. No, sir.

The CHAIRMAN. Can you tell to whom you paid that \$200?

Mr. DEE. I could not give you a full list because I did not keep a record of it; and I have forgotten quite a few of the parties to whom it was paid. Some of it was paid indirectly.

Senator POMERENE. That is, through other persons?

Mr. DEE. Yes; through other persons, because I was very busy at the close of the campaign in my office and in my newspaper work, and it was impossible for me to get out; and I had to delegate this work to other parties. But I told them that in securing these poll workers we did not want anybody who was not heartily in favor of Senator Stephenson; and to be sure to watch out for some grafter who would say he was in favor of Senator Stephenson, and would take the money and do no work.

The plan that was put up to me was to get these poll workers and have them distribute sample ballots of the Republican primary ticket at the polls on election day, and merely call the attention of the voters to the fact that the Senator was a candidate, and ask them, if they had no special preference in their choice for Senator, to give Senator Stephenson their vote, if they could; and not to do any work that was raw or that was undignified. We conducted a very dignified campaign along that line in Chippewa County. We also instructed the Stephenson poll workers not to interfere in the least with any other candidate, and to let all local candidates and State candidates strictly alone, but to look after the Senator's interests.

The CHAIRMAN. It was \$350 that you received in addition to the \$150, was it?

Mr. DEE. Yes, sir.

Mr. LITTLEFIELD. No; \$200.

Mr. DEE. Three hundred and fifty dollars was the total. That included \$150 for advertising and \$200 for these poll workers.

The CHAIRMAN. The reason I am asking that question is because on page 1932 of the proceedings before the Senate committee there would seem to be some confusion. It is treated as one fund. Senator Morris asks you:

Did you tell anybody you received this money from Stephenson, this \$350?

Then a colloquy follows, and that total sum is stated as though it were one sum of money. You have testified that you received \$150 of it from Mr. Ring. How long a time intervened between the receipt of the \$150 from Mr. Ring and the receipt of the money from the headquarters in Milwaukee?

Mr. DEE. I received \$200 from the headquarters in Milwaukee about five days before the primary.

The CHAIRMAN. Do I understand you to testify that the \$150 which you received from Mr. Ring was money for your services, and not to be paid out by you?

Mr. DEE. That was to the newspaper.

The CHAIRMAN. Yes. The \$200 was money to be disbursed by you, was it?

Mr. DEE. Yes, sir.

The CHAIRMAN. So that the two distinct classes of money are to be recognized?

Mr. DEE. Yes, sir.

The CHAIRMAN. I ask that question to clear up the ambiguity on page 1932, where it is all treated as one sum.

You have undertaken to account for the expenditure of the \$200. I refer to page 1947 and following of the testimony before the Senate committee. According to your statement there you seem to have claimed that you expended \$30 in excess of the \$200; that is, to have paid out \$30 in excess. Is that a fact?

Mr. DEE. That appears to be true, according to my recollection. You see, this money was not all paid out before election.

The CHAIRMAN. You mean the primary election now, do you?

Mr. DEE. Before primary election. They came after the money after the election was over, because the time was so short that we did not have time to see all these fellows and pay them for their services.

The CHAIRMAN. You say it was paid out? Do you mean merely that the money was delivered over to the parties for services performed before the primary election, after the primary election had occurred?

Mr. DEE. After the primary.

The CHAIRMAN. Were the services for which any part of this money was paid out performed before the primary election day?

Mr. DEE. Yes; in some cases they were.

The CHAIRMAN. Were any of the services performed after the day of the primary election for which you paid out any part of this money?

Mr. DEE. No; it was all over on primary day.

The CHAIRMAN. So that the money was paid entirely for services rendered on or before the day of the primary election?

Mr. DEE. Yes, sir.

The CHAIRMAN. Did you pay out the money on the basis of so much a day to men for their time in working at the primaries?

Mr. DEE. Yes; that was the rate.

The CHAIRMAN. What was the basis of your payment?

Mr. DEE. It ranged from \$3.50 to \$5 per day.

The CHAIRMAN. You have stated here that you paid some of them \$3, and some \$3.50. You were asked whether there was any difference between the methods of these men that accounted for the difference in the scale of wages. Was there any difference?

Mr. DEE. Where we wanted a man to work at a certain poll, and we could not get him for \$3.50 or \$4, and he would say he would do it for \$5, we simply paid him \$5.

The CHAIRMAN. Do you remember the largest sum you paid any worker?

Mr. DEE. Individually, I think \$5 was about the limit, because the amount was small in a large county like Chippewa—in fact, very small.

The CHAIRMAN. Did you send out some men with a gross sum of money to employ others to work, and pay them any considerable sum?

Mr. DEE. Any men that were sent out, if my recollection serves me correctly, were not given money. They were merely authorized to make contracts with responsible parties, and report on those.

The CHAIRMAN. What sum did you give anyone for going out to get others to work?

Mr. DEE. I paid one man named McIntyre to make a trip up in the Bloomer country. I think his charges for that day's trip were about \$5.

The CHAIRMAN. It would appear here that you paid one man \$25 to go out and employ other workers. I refer to page 1948.

Mr. DEE. I do not recall just who that was. I think I gave Mr. Charles Preston, of Chippewa Falls, some money to secure poll workers up around Cadott and Segal; and who he secured I do not know, because he told me that he had gotten two or three good men up in that country, and I simply left it to him.

Mr. LITTLEFIELD. What was this gentleman's name?

Mr. DEE. Charles Preston. Whether I gave him the money to pay them, or sent the money up to them afterwards, I do not recall.

The CHAIRMAN. I understand you to say that you received this sum of \$200 from Mr. Edmonds just before the primary election day?

Mr. DEE. Yes—well, no; it was about five days prior.

The CHAIRMAN. About five days prior; and that you paid out all of it, and some in excess, to what you call workers at the polls?

Mr. DEE. Yes, sir.

The CHAIRMAN. You kept none of it for your own use?

Mr. DEE. No, sir. I did not get anything on that deal.

The CHAIRMAN. Do you know, generally, the class of work that the men did to whom you paid money to work at the polls, as you have stated?

Mr. DEE. Their instructions from me were to—

The CHAIRMAN. You have stated their instructions; but have you any knowledge as to what they actually did? Did they obey your instructions?

Mr. DEE. As near as I could find out, they did. That is all I know. Then, in the city of Chippewa Falls I think we hired two teams to get some of the voters to the polls; and the drivers were instructed to ask some of the men they hauled, if they could, to give Senator Stephenson their vote. But there was no thought of buying any votes. In fact, I never heard of that being done up in our country.

The CHAIRMAN. At page 2164 of the published testimony taken before the Senate committee, you were asked this question:

Have you been able to recall anything further in the way of names of persons to whom you paid Stephenson money during the campaign?

Your answer was:

I don't think so, Senator.

Q. You are still unable to recall the name of any person to whom you paid any part of the \$200?—A. Well, it all went out in small amounts.

Then there are some further questions; and you say:

I don't think anybody got over \$5 out of the whole deal; that is, \$5 or less. It was all in small amounts, and there was not very much fun in it for anybody.

Is that a true statement of the facts? You so testified?

Mr. DEE. Yes. That is the truth.

The CHAIRMAN. I think that is all I care to ask.

Senator POMERENE. Mr. Dee, this contract for advertising was made with whom?

Mr. DEE. Mr. Ring.

Senator POMERENE. Tell us what your arrangement was.

Mr. DEE. Mr. Ring came into the office, and at first I did not recognize him; I had not seen him for several years. He introduced himself, and we sat down and had a few minutes' conversation. He said: "How are you lining up on this senatorial question?" I said: "Well, I have been thinking it over for some time, and I have come to the conclusion that if I do any supporting in this campaign I am going to support Senator Stephenson. I think he is all right, and will do as well as anybody." We had a few more words about the Senator, and then he stated his proposition. He said: "I am glad to see that you are favorably inclined our way. I am representing the Stephenson campaign committee out in Milwaukee, and I should like to make a contract to advertise the Senator in your paper. I should like you to do it liberally, and to have you put in such articles as you think will advance his candidacy in this community." I told him that I was open to an advertising proposition at any time and with any candidate that was all right, and against whom I did not have any particular score. Then we talked a few minutes longer on what I would consider a fair price, and I named my price as \$150. He said: "Well, that looks reasonable enough"; and he said: "We will pay that." I think he paid me \$50 then, and sent me \$100 later, but I am not sure about that. But I got the \$150 all right.

Senator POMERENE. Was anything said at that time as to the nature of the articles you were to publish?

Mr. DEE. He said to me: "You know your community here, and you know what would be effective advertising for the Senator." He said: "The committee at Milwaukee will send you such general articles as it is sending out. Then," he said, "we will probably send you some papers from other communities. Then," he said, "in addition to that, use your own judgment in printing what you think will help the Senator's cause."

Senator POMERENE. Was anything said as to how much space you were to give him?

Mr. DEE. He said that he wanted me to give as large a space as I possibly could for that amount.

Senator POMERENE. Yours is a daily paper; is it not?

Mr. DEE. Yes, sir; daily and weekly.

Senator POMERENE. Was anything said about your supporting him through your editorial columns?

Mr. DEE. I do not remember about that now. So far as the editorial support is concerned, there have frequently appeared in my paper and other papers throughout the State articles that may be alleged to be editorials that are in the interest of some candidacy. They are "boomers," as we call them. We never draw the line very technically on that score. Sometimes we get an editorial from a baking-powder concern for which they pay us a fair price, wanting it inserted; and I do not know that we cut it out. Any newspaper—

Senator POMERENE. And then you make some favorable comment editorially? Is that the inference you want us to draw?

Mr. DEE. We usually print their advertisements.

Senator POMERENE. If I understand you, then, there was not anything said as to the amount of space he was to have?

Mr. DEE. I do not believe there was any definite arrangement made about the space.

Senator POMERENE. How much space did you give him, in fact?

Mr. DEE. I could not tell you.

Senator POMERENE. What are your rates for advertising?

Mr. DEE. We have a sliding scale of advertising rates. Sometimes, if we insert an advertisement where there is liable to be a loss of business to the paper through some friends in our community, we may expect a little higher price for that.

Senator POMERENE. Does the "sliding scale" depend on the size of the man's bank account?

Mr. DEE. I do not know that it does. It is according to how much the customer is willing to pay. Sometimes when his bank account is the largest he wants to pay the least.

Senator POMERENE. Do you know how much space you gave him?

Mr. DEE. No; I do not.

Senator POMERENE. Then, if I understand you correctly, you simply agreed for a lump sum to support the Senator's candidacy through the columns of your paper?

Mr. DEE. Yes, sir.

Senator POMERENE. Without anything definite being said as to the space he was to have on the page, or the position on the page, or the amount of space he was to have?

Mr. DEE. I do not recall now. The contract was wholly verbal. We did not reduce it to writing.

Senator POMERENE. What was the date of this agreement with Mr. Ring?

Mr. DEE. It was the fore part of August. I do not remember the exact date.

Senator POMERENE. Prior to that time had you supported any of the other candidates for the senatorship?

Mr. DEE. No, sir.

Senator POMERENE. None of them, editorially?

Mr. DEE. No, sir.

Senator POMERENE. Mr. Hatton or Mr. McGovern?

Mr. DEE. I was originally appointed Hatton's manager for Chipewa County; but I withdraw from that, and notified them very clearly and without equivocation that I would withdraw from Mr. Hatton's support.

Senator POMERENE. What time did you withdraw?

Mr. DEE. It was some time in July, if I remember correctly.

Senator POMERENE. How long before you made your arrangement with Mr. Ring?

Mr. DEE. It must have been a couple of weeks, anyway.

Senator POMERENE. Had you had anything favorable to say of Senator Stephenson's candidacy prior to this arrangement with Mr. Ring?

Mr. DEE. I do not recall that I did. I had news items in the paper from time to time about the various candidates as they came up—regular press dispatches.

Senator POMERENE. Now going to the other matter—you employed these men from time to time. You can not give any list of them now, I take it?

Mr. DEE. I will tell you: The time was so short that I was compelled to delegate the selection of some of these men to other parties whom I knew to be reliable.

Senator POMERENE. You did not have a complete list then, did you?

Mr. DEE. No. For instance, take it over in the eastern end of the county: I enlisted the services of Mr. Lewis I. Rowe, of Stanley, and told him what I wanted done. He said he would be glad to do it for me, as he knew reliable parties in that section who could attend to the precincts; and I furnished him with the ballots, and gave him exactly the instructions that I wished to be carried out.

Senator POMERENE. You made arrangements directly with many of these men. What did you ask them to do?

Mr. DEE. I simply wanted them to stay at the polls and hand out these ballots, and ask the various voters as they came up if they had no special preference among the senatorial candidates to give Senator Stephenson their vote.

Senator POMERENE. Were they doing work in behalf of Senator Stephenson prior to the day of the primaries?

Mr. DEE. Before we made an agreement with a man we sounded him very thoroughly as to what his preferences were. We employed no one but Stephenson men. We did not want the others, because we did not expect that we would get work from them if we hired them.

Senator POMERENE. Then, if I understand you correctly, you spent or distributed this money among your employees for the purpose of doing work at the polls for Senator Stephenson, and for the purpose of cultivating Stephenson sentiment in the community among the voters? Does that about cover it?

Mr. DEE. State that again, please.

(The reporter read the pending question.)

Mr. DEE. I think so.

Senator POMERENE. When was it that you arranged for the \$200, and with whom?

Mr. DEE. That was arranged by telephone from Milwaukee. Mr. Edmonds called me up and said he would like to secure some poll workers to distribute those ballots that we had for Chippewa County. He said he could allow \$200 for that work. I told him it was a small amount, and the time was so short that I did not know whether we could do it or not; and he urged me to do so, and I told him I

would. I think the money came up either the next day or the day following. Probably it came the next morning.

Senator POMERENE. Did you render him any account of what you did?

Mr. DEE. It seems to me I wrote him a letter afterwards, and told him about how the work had been accomplished; but I think the second day following the primary he called me up over the telephone and we had a telephone conversation from Milwaukee here, and I explained to him then about how the money had been disbursed or would be disbursed.

Senator POMERENE. What did you say?

Mr. DEE. He said he was pleased with the vote in Chippewa County, and I told him we had organized very carefully, that we conducted a dignified campaign, and that it made a hit with the voters, and the Senator won out. That was the gist of the conversation. It was a sort of a congratulatory talk.

Senator POMERENE. You made no detailed statement to him then of the amount you spent?

Mr. DEE. No; I did not give him an itemized statement.

Senator POMERENE. You rendered him no account of the expenditure?

Mr. DEE. No, sir.

Senator POMERENE. Did he ever ask you for any?

Mr. DEE. No, sir.

Senator POMERENE. You never volunteered to give him any?

Mr. DEE. No, sir.

The CHAIRMAN. I wish to ask one or two more questions before turning the witness over to counsel.

I notice, at page 2169, there is an extract, perhaps a complete article, from your paper, favorable to Senator Stephenson's candidacy, and it must have been inserted in your issue of August 18, 1908. Is that a part of the advertising matter for which you received the \$150? Do you remember the article? I had better read it.

Mr. DEE. It was in regard to the Ring article. I remember the article, Senator.

The CHAIRMAN. It reads as follows, with black letters for the headlines:

Many favorable to Stephenson. The candidacy of Senator Isaac Stephenson, of Marinette, is commanding a great deal of attention among the people of this section of the State. No matter what may be said about our junior Senator by those seeking to defeat him at the primary September 1, there yet remains a strong sentiment in the hearts of many Republicans that Senator Stephenson has been of much worth to his State, and that with all his years he is to-day a remarkable man. For his numerous good deeds and his clear and forcible common sense, he should be given consideration. Senator Stephenson was accorded the short term in the United States Senate, and ethics in politics demand his reelection to a second term. Very few are criticizing Senator Stephenson in this county, while we find good Republicans in the ranks who are in hearty accord with him

That is the article that appeared in your paper, according to this record, on August 18, 1908. Was that after Mr. Ring had made the arrangement with you, or before?

Mr. DEE. That was after.

The CHAIRMAN. Was that article pursuant to your arrangement with Mr. Ring?

Mr. DEE. I should consider that an advertisement of the Senator.

The CHAIRMAN. Yes. You have said here that you did not classify advertisements for political matters, referring to the rates, and that there is no newspaper in the country that gets out a rate card on political advertising. Is that true?

Mr. DEE. Yes, sir. That is, I never heard of one that did. They may, but I do not know of it, if they do.

The CHAIRMAN. In your issue of August 6, which was 12 days prior to the article that I have just read, on page 2172 of the Senate Journal, you say:

"Cook shows gains in senatorial race," in which the Senatorship is discussed, and then there is this paragraph:

From a sure winner Senator Stephenson has dropped in the minds of the outsiders to third man in the race, surprising as this may seem.

That was 12 days before the publishing of the article that I read in full. Was that before or after you had seen Mr. Ring, or received the \$150?

Mr. DEE. I could not state. I do not recall the day on which I saw Mr. Ring; and, if I remember that article, it was clipped as a press dispatch, from some Milwaukee newspaper, and appeared in the paper; and how it happened to get in, I could not say.

The CHAIRMAN. You would not consider that advertisement favorable to Senator Stephenson, would you?

Mr. DEE. Probably not.

The CHAIRMAN. You gave a different account of it here. When you were asked as to how that item came to appear in your paper, you say:

That article was evidently put in by the city editor during my absence. When I am away the city editor has to get up the paper, and I can not see everything that goes in.

Which explanation do you desire to adopt at this time?

Mr. DEE. I hardly know what to say about that. It might be that the city editor put it in. If I happened to be out of the office that afternoon, of course it would be run in the paper. I do not always see everything that goes in.

The CHAIRMAN. Mr. Ring seems to have paid you that money on August 7. I refer to page 2175 of the senate journal. This article had appeared on August 6. There is an article in your paper on August 25, in which you speak strongly in favor of Senator Stephenson, but there is one referred to here, on page 2174, near the bottom of the page, as follows:

Q. Well, you were running that advertising in your paper back there at the same time that you were indicating that Stephenson was the third man in the race, and even for weeks back of that, weren't you, you were running this "Grand Old Man" ad.?

In reply to which you stated:

A. I don't remember when the "Grand Old Man" ad. started.

Q. You can see it was in this paper of August 6?—A. Yes, sir.

What was that advertisement? Was that the one with the picture in it—the plate matter, with the picture in it?

Mr. DEE. That was a plate, sent out from Milwaukee.

The CHAIRMAN. That was sent up from Milwaukee?

Mr. DEE. Yes.

The CHAIRMAN. And you had been running that for some time prior to August 6 and prior to the time this rather ambiguous article here was published, which stated that Senator Stephenson was losing out and was the third man?

Mr. DEE. It does not appear to me that that article would have any special significance as to whether Senator Stephenson was first or second or third in the list, or whether he was the last. It probably was merely some newspaper man's estimate of the situation, as he sized it up; and whether it was the real situation or not, it was merely a matter of news.

The CHAIRMAN. Did you think it might possibly shock his friends into greater energy and indicate that there was a chance of his losing?

Mr. LITTLEFIELD. That is that it might dispel overconfidence?

The CHAIRMAN. I merely want to know if that is the position he takes.

Mr. LITTLEFIELD. Yes. I am rather emphasizing the idea.

The CHAIRMAN. In your former testimony you went at some length into the question of rates. I do not think we care, at this time, to go so fully into that matter, as it cumburs the record, and we have a general understanding of the matter of rates from the testimony already in.

I merely call your attention to an article on pages 2190 and 2191 of the Senate Journal and extending over to page 2192.

Are you familiar with the article which is headed, "Ling, Eleventh-Hour Candidate"?

Mr. DEE. Yes, sir.

The CHAIRMAN. Who wrote that article?

Mr. DEE. I wrote it.

The CHAIRMAN. What was your purpose in writing that article?

Mr. DEE. It was considered good political stuff.

The CHAIRMAN. In whose interest was that political stuff? Was it in the interest of Senator Stephenson?

Mr. DEE. I do not know that it was; but that element was trying in every way possible to defeat Senator Stephenson. They were his bitter foes in the campaign. The other two senators were not bothering Senator Stephenson any.

The CHAIRMAN. Did you write this article for the purpose of defending Senator Stephenson, by showing that these persons were opposing him?

Mr. DEE. I thought it would show up their methods somewhat. All the attendant circumstances are not set forth in the article, and it would take somebody on the ground floor or in the field to understand the full purport of the article and the methods that were being used.

The CHAIRMAN. Did you consider that advertising material to be charged against the \$150 which had been given you for that purpose?

Mr. DEE. It probably would not look exactly like an advertisement, yet it was done in the interest of Senator Stephenson.

The CHAIRMAN. It was political work?

Mr. DEE. Yes; it was political work.

The CHAIRMAN. It was political newspaper work?

Mr. DEE. Yes.

The CHAIRMAN. As to your Exhibit 42, the Chippewa Herald, daily and weekly. Did you insert the advertising material for Senator Stephenson in your weekly or your daily edition?

Mr. DEE. The advertisement was inserted in both editions.

The CHAIRMAN. You ran these articles both weekly and daily?

Mr. DEE. Yes.

The CHAIRMAN. We will not cumber the record with Exhibit 42, but I merely refer to it. It is on pages 2203 and 2204 of the senate journal, giving your rates.

I understand you to say that you do not consider yourself governed by that table of rates in political advertising?

Mr. DEE. Not strictly; no. There is one point which I wished to emphasize before the investigation at Madison, and that is that numbers of papers containing some of these articles were sent out through the county and around in that locality which, of course, involved an extra expense and which was considerable trouble, and, of course, was included in the compensation of \$150. In my judgment as a newspaper man, the \$150 was well earned.

Mr. LITTLEFIELD. That is, you furnished extra copies of the paper, as well as the advertising?

Mr. DEE. Yes, sir.

The CHAIRMAN. Was there an agreement, after you received the \$150 from Mr. Ring, as a part of the transaction, that thereafter you were to run from a column to a half a column in favor of Senator Stephenson?

Mr. DEE. I so stated before the committee at Madison, but I can not state exactly what the agreement was, whether we were to run a column or half a column; but it seems to me Mr. Ring suggested that the time was short and that I make the advertising as strong as possible. Then I did not give him a column or half a column every day. I considered afterwards that that would be rather overdoing the matter and would not have as much effect as if we published a few timely articles now and then.

The CHAIRMAN. Is it true that you did not publish anything in the way of advertising Senator Stephenson's candidacy between the time you saw Mr. Ring and the 18th of August?

Mr. DEE. That there was not anything published at that time?

The CHAIRMAN. You were asked that question before the former committee. The question that was then asked you is:

You don't find anything in either your daily or weekly edition in which you supported Senator Stephenson before the time you saw Mr. Ring or before the 18th of August; is that true?

And your answer is:

I don't remember just about the date there definitely.

Then you are reminded:

You have given us the date here, and the earliest date you have given us is the 18th of August.

That is, referring to the time when you commenced to support Senator Stephenson.

Have you anything to say in correction of that testimony?

Mr. DEE. I think there were some articles in the paper prior to that. I think there must have been.

The CHAIRMAN. You said in your former testimony:

Yes, sir; that is the earliest date; but to state these matters definitely now it would be impossible.

Q. You can state that definitely now because you examined your papers here. That is true, isn't it?—A. Yes, sir.

You evidently had the file before you when you were testifying. That is true, is it not?

Mr. DEE. Yes, sir.

The CHAIRMAN. You made that answer on the examination of the files of your paper, which were before you at the time you were testifying, evidently.

Mr. DEE. It must be correct then.

The CHAIRMAN. You say it must be correct?

Mr. DEE. It must have been, if I examined the files. I have not looked at it since.

The CHAIRMAN. You are asked, at page 2207:

Q. And you are quite positive that it was not later than the 18th of August that you saw Mr. Ring, aren't you?

Did you make an entry on your business books wherein you enter charges and receipts in connection with the publication of your paper of \$150 as money received for advertising?

Mr. DEE. I think there was an entry of that item.

The CHAIRMAN. How does the entry appear?

Mr. DEE. It appears on the cashbook.

The CHAIRMAN. Is the purpose of the payment stated on your cash-book?

Mr. DEE. If it is stated, it would be under the head of advertising.

The CHAIRMAN. "Advertising; received cash, \$150"?

Mr. DEE. Yes.

The CHAIRMAN. Would it tell from whom it was received?

Mr. DEE. I think there would be such an entry. I am not positive now. I do not remember.

The CHAIRMAN. Where is that book?

Mr. DEE. At my office in Chippewa Falls.

The CHAIRMAN. That is across the State?

Mr. DEE. That is over 200 miles from here.

The CHAIRMAN. Have you examined it recently?

Mr. DEE. No, sir.

The CHAIRMAN. Did you examine it after your appearance before the Senate committee in this matter?

Mr. DEE. It appears to me that I looked up the entry and found it there, if I remember correctly.

The CHAIRMAN. Can you testify that there is an entry there of this \$150 received for advertising?

Mr. DEE. I think so. I am pretty sure.

The CHAIRMAN. Does it state that it was received for advertising the candidacy of Senator Stephenson?

Mr. DEE. It would be something like that. It would be an entry of that kind. I am pretty sure the entry was made, but I would not be positive, because I do not refer back to those matters.

The CHAIRMAN. You also make up the other side of your book; that is, you charge for the advertising that you do? Is there a charge

in your books to offset the receipt of this money, showing what you did in the way of advertising?

Mr. DEE. No, sir; I am pretty sure there is not.

The CHAIRMAN. You did not charge Senator Stephenson or Mr. Ring, or any person, then, with advertising to the extent of \$150, or to any extent, did you?

Mr. DEE. I do not believe I did; because in a great many of those political cases we merely credit up the cash and deliver the goods; and that ends it.

The CHAIRMAN. You do not keep any book account of the transaction?

Mr. DEE. When it is a cash deal we do not.

The CHAIRMAN. You do keep a book account wherein you set forth the charge for advertising in the case of ordinary business?

Mr. DEE. Where it is a credit business we do. Where we credit the person, or extend credit, we do.

The CHAIRMAN. Is it not true that you make such a charge, even in cash transactions?

Mr. DEE. I do not believe I do.

The CHAIRMAN. In the case of an advertisement that was running for a month, being inserted once a week, would you not, at the beginning of that time, open the account?

Mr. DEE. We would if we extended credit for the advertisement. If the advertisement went in for cash we have a system whereby we do not make a book entry.

The CHAIRMAN. You would not make a book entry?

Mr. DEE. No. It goes in as a cash receipt.

The CHAIRMAN. You would not know, then, at the end of the year how much you had received for any particular advertising that you had done?

Mr. DEE. Only on the advertising where we extend credit.

The CHAIRMAN. There would be a credit, but no debit?

Mr. DEE. No. You would have to get that from the cashbook.

The CHAIRMAN. What is the name of your company?

Mr. DEE. The Herald Printing Co.

The CHAIRMAN. Is it incorporated?

Mr. DEE. Yes, sir.

The CHAIRMAN. You would have some difficulty in making a return under the corporation-tax law, would you not, if you have no book account of these charges?

Mr. DEE. I do not know. We make up a statement every year for them from our books.

The CHAIRMAN. You do?

Mr. DEE. Yes.

The CHAIRMAN. From what books do you make up that statement?

Mr. DEE. From our cashbook, the books for our job department and for our advertising department.

The CHAIRMAN. You are required to state the amount of business you have done?

Mr. DEE. Yes, sir.

The CHAIRMAN. And you get that from your cash account?

Mr. DEE. Yes.

The CHAIRMAN. I want to have the question closed here, so that you may not be open to question later. That is all you have to say about it?

Mr. DEE. Yes.

Senator POMERENE. Just a few questions further:

Do I understand you to say that you did not charge for this printing at a certain rate per line or per inch?

Mr. DEE. I do not remember that I did; no, sir.

Senator POMERENE. How is that?

Mr. DEE. I do not think so; no.

Senator POMERENE. Referring to your former testimony with reference to this article, printed on August 18, 1908, to which the chairman called your attention, this seems to have been the examination:

The CHAIRMAN. This article, which appears in your paper, is August 18, 1908, isn't it?

A. Yes, sir.

Senator HUSTING. The daily editorial?

The CHAIRMAN. The daily edition of the Chippewa Herald.

Q. That is correct, isn't it?—A. Yes, sir.

Q. And there is nothing anywhere to indicate that is advertising matter, is there?—A. No, sir.

Q. And there is everything to indicate that it is your editorial opinion, isn't it?—A. I suppose so.

Q. Now, at the usual rate that you spoke of the other day, how much would that article be worth?—A. I looked up the rate since that, and that comes at 5 cents a line.

Was that true?

Mr. DEE. On a commercial basis; yes.

Senator POMERENE. Was that the basis upon which you made your contract?

Mr. DEE. It was not the basis on which I made my contract, but the committee at Madison were so insistent upon rates that I simply gave them the commercial rates.

Senator POMERENE. Again calling your attention to your testimony, on page 2205, this appears:

Q. You are not sufficiently familiar with the rate so that you could tell us when you were down here before what your rates were per inch or per line, is that right?—A. I suppose so.

Q. Now, figuring at that, 1,933 lines, at 7 lines to the inch that would make 277 inches, at 20 cents an inch, and the highest rate you have mentioned the other day, \$55.40 for that matter you published there. So far as the space is concerned, would that be a good round price for the space you occupied for this matter that you have called attention to in connection with the Stephenson campaign?—A. Oh, I think the Senator got full value received for the money.

Does that 1,933 lines, or 277 inches, represent the amount of space which was given to the campaign?

Mr. DEE. That is about the amount; yes.

Senator POMERENE. That was about the amount?

Mr. DEE. Yes. We did not figure it closely. It was merely estimated.

Senator POMERENE. For those 277 inches, then, you received \$150?

Mr. DEE. Well, for that and the extra papers distributed.

Senator POMERENE. That would be at the rate of over 50 cents an inch, would it not?

Mr. LITTLEFIELD. How many inches did you say there were, Senator?

Senator POMERENE. 277.

Again calling your attention to this matter, on page 2217, I read:

Now, of the \$350 that you received in the campaign, you accounted for nothing except this newspaper work. At your last figures, it amounts to \$96.65, figuring 7 lines to the inch and 20 cents an inch, it would amount to \$55.20 which you testified to on your examination the other day was the proper or the customary charge you made for the kind of work—20 cents an inch. Now, is that all you can account for of the \$350 that you received?—A. Yes, sir; I guess it is.

Did you charge some special rate for this?

Mr. DEE. He was bringing in that \$200—

Senator POMERENE. But, exclusive of that. Does this question, and the answer you gave refresh your memory now as to the rate at which you charge for this advertising or publicity?

Mr. DEE. The committee there wanted to hold it down to a commercial business; but in any advertising campaign we are allowed leeway on the preparation of copy, where you expend professional services; you charge a little more than the mere commercial rate.

Senator POMERENE. That is, for political advertising you charge more than the commercial rate?

Mr. DEE. It would be for any advertising, if you were left to prepare the copy and carry on the advertising campaign yourself.

Senator POMERENE. Yes.

Mr. DEE. That is the basis that I put it on.

Senator POMERENE. That is all.

Mr. LITTLEFIELD. How many extra copies did you send out, according to your recollection?

Mr. DEE. I could not tell you, but there were a good many extra copies sent out during that campaign.

Mr. LITTLEFIELD. Of the daily or weekly edition, or both?

Mr. DEE. They were more especially the daily editions. Some of the weekly editions were sent out.

Mr. LITTLEFIELD. Can you give, from your recollection, any estimate of the number of extra copies that were sent out?

Mr. DEE. No; I could not; that would be impossible.

Mr. LITTLEFIELD. Did you receive any compensation for the extra copies of your paper that were sent out by you during that campaign except as you received it in the \$150?

Mr. DEE. No, sir.

Mr. LITTLEFIELD. The extra copies went into territory in which your paper was not being circulated?

Mr. DEE. Yes, sir.

Mr. LITTLEFIELD. What territory?

Mr. DEE. In that county.

Mr. LITTLEFIELD. In the general vicinity?

Mr. DEE. In the general vicinity; yes.

Mr. LITTLEFIELD. That is, the extra copies went to people who were not subscribers of your paper?

Mr. DEE. Yes, sir.

Mr. LITTLEFIELD. So that they reached a larger constituency than an ordinary commercial advertisement would reach?

Mr. DEE. Yes, sir. That is always customary during a campaign, to send out those extra copies.

Mr. LITTLEFIELD. This is, for services rendered under the circumstances you have described?

Mr. DEE. Yes.

Mr. LITTLEFIELD. Was any of the money that you used in this campaign in the interest of Senator Stephenson used by you, either directly or indirectly, for the purpose of bribing or corruptly influencing any of the electors in the campaign?

Mr. DEE. Not a dollar.

Mr. LITTLEFIELD. Was any money used by any person to whom you entrusted funds to be used in the interest of Senator Stephenson, so far as you know, directly or indirectly, for the purpose of bribing or corruptly influencing any electors in that primary election in the interest of Senator Stephenson?

Mr. DEE. No, sir.

Mr. LITTLEFIELD. Did your paper contain any editorial comment adverse to Senator Stephenson prior to the arrangement made between yourself and Mr. Ring?

Mr. DEE. I do not remember any, but I am not positive on that.

Mr. LITTLEFIELD. The item to which your attention has been called, I understand you to say, was a news item?

Mr. DEE. Yes. I would not consider that adverse to the Senator at all.

Mr. LITTLEFIELD. Whether it was or not, as I understand you, that was a news item and not an editorial. Is that right?

Mr. DEE. Yes.

Mr. LITTLEFIELD. Had you or had you not at the time you had the conversation with Mr. Ring which resulted in arranging for the advertising and the extra copies of the newspaper for \$150 reached any conclusion as to whom you would support for Senator?

Mr. DEE. I had decided to support Mr. Stephenson prior to Mr. Ring's visit.

Mr. LITTLEFIELD. Had you conferred with any of your political friends in that immediate vicinity with reference to that question?

Mr. DEE. Oh, we had been talking it over for a week.

Mr. LITTLEFIELD. State what your conclusion was as a result of your discussion with your friends for about a week?

Mr. DEE. We concluded that we would support Senator Stephenson.

Senator POMERENE. What do you mean by "support"? Do you mean support him personally or editorially?

Mr. DEE. That we would be favorable to his candidacy and talk it up or advance his candidacy there in the community.

Senator POMERENE. Do you mean personally or through the columns of your paper?

Mr. DEE. I had mentioned to several of them that I would support him in the paper.

Senator POMERENE. That still does not quite answer the question. Had you decided to support him through the paper?

Mr. DEE. Yes.

Senator POMERENE. Before that time?

Mr. DEE. Yes.

Senator POMERENE. Did this amount of money increase your enthusiasm on that subject?

Mr. DEE. I do not know that it did. In a political campaign I always try to be as cool and calculating as possible and not to let my enthusiasm get the better of me.

Senator POMERENE. How did you get your list of persons to whom you sent these extra copies?

Mr. DEE. From telephone books and, probably, lists from the courthouse; various records.

Senator POMERENE. You say "probably." What did you do?

Mr. DEE. I do not recall just where we got the list, but we usually have a number of lists——

Senator POMERENE. Did you have a list at this time? I am not asking what you usually had. I do not care anything about that.

Mr. DEE. Did I have a list at what time?

Senator POMERENE. During this campaign, did you have a list of extra persons to whom you sent out these papers?

Mr. DEE. Yes; I had one there in the office.

Senator POMERENE. Did you use it?

Mr. DEE. Yes, sir.

Senator POMERENE. How many were on that list?

Mr. DEE. I do not recall the number. We have a list there on the telephone books of the county; we have the Wisconsin State Gazetteer, and we have a list of the school clerks, members of the town boards, and such lists as that, which would probably aggregate 1,000 or 1,500 names; may be more.

Senator POMERENE. Suppose you had all of that. Then what? Do you mean to say that you used all of these lists to get the names of persons to whom you sent these extra copies on this particular occasion?

Mr. DEE. We used a number of lists; for instance, for lists along the railroads we would use the Wisconsin Gazetteer, which contains the leading people of the city or village.

Senator POMERENE. Did you have a list copied from these different gazetteers, directories, etc.?

Mr. DEE. No. I would simply give that to the stenographer, with orders to prepare so many extra copies.

Senator POMERENE. That was done during each issue?

Mr. DEE. Whenever we had an issue that we wanted to send out with advertising.

Senator POMERENE. Did you use the same list?

Mr. DEE. Sometimes we did. Generally we used about the same list.

Senator POMERENE. How many names were on the list?

Mr. DEE. I do not know the number. We sometimes sent out as many as four or five hundred extra copies in a batch.

Senator POMERENE. That is all.

Mr. LITTLEFIELD. That is all.

(By direction of the chairman the name of Walter Alexander was called. He did not respond.)

TESTIMONY OF THOMAS REYNOLDS.

THOMAS REYNOLDS, having been previously sworn, testified as follows:

The CHAIRMAN. You have been heretofore sworn in this case?

Mr. REYNOLDS. Yes, sir.

The CHAIRMAN. You were a member of the assembly of the State of Wisconsin during the years 1908 and 1909, were you not?

Mr. REYNOLDS. Yes, sir.

The CHAIRMAN. Did you receive any money during your campaign in 1908 from Senator Stephenson or from any of his representatives, to be used in the interest of the election of Senator Stephenson?

Mr. REYNOLDS. No, sir.

The CHAIRMAN. Either at the direct primary or at the election?

Mr. REYNOLDS. I received money, but there was no mention as to what I was to use it for.

The CHAIRMAN. What were you to use it for?

Mr. REYNOLDS. Well, I used some of it to pay some hired help I had.

The CHAIRMAN. What hired help?

Mr. REYNOLDS. A man to work at hay.

The CHAIRMAN. On the farm?

Mr. REYNOLDS. Yes.

The CHAIRMAN. What else did you use it for?

Mr. REYNOLDS. I used it to—well, I would rather commence at the commencement of it.

The CHAIRMAN. I prefer to have you answer the questions as they are asked.

Mr. REYNOLDS. Yes. I used it to pay a man to go around with me, so that he would explain to the Germans what I wanted to say about Senator Stephenson.

The CHAIRMAN. You took an interpreter along with you, did you?

Mr. REYNOLDS. I might say so; yes, sir.

The CHAIRMAN. You received \$80 from Senator Stephenson, did you?

Mr. REYNOLDS. Yes, sir.

The CHAIRMAN. Can you fix the date of that?

Mr. REYNOLDS. No, sir.

The CHAIRMAN. It was about the 20th of July, was it?

Mr. REYNOLDS. I think it was before that time.

The CHAIRMAN. You circulated some nomination papers for Senator Stephenson, did you not?

Mr. REYNOLDS. Did you ask me to state the date?

The CHAIRMAN. Yes.

Mr. REYNOLDS. No, sir; I can not.

Mr. LITTLEFIELD. He evidently did not understand the question. Mr. Chairman.

The CHAIRMAN. I ask if you circulated some nomination papers for Senator Stephenson.

Mr. REYNOLDS. Yes. Oh, yes.

The CHAIRMAN. Was the \$80 given to you, in whole or in part, for that work?

Mr. REYNOLDS. The \$80 was given to me some time after I commenced circulating the nomination papers.

The CHAIRMAN. You had been circulating Senator Stephenson's nomination papers before you received any money from him, had you?

Mr. REYNOLDS. Oh, yes, sir. Yes.

The CHAIRMAN. And, at the same time, were you circulating your own?

Mr. REYNOLDS. No, sir.

The CHAIRMAN. Did you circulate nomination papers?

Mr. REYNOLDS. No, sir; not mine.

The CHAIRMAN. Did you ever circulate nomination papers on your own account?

Mr. REYNOLDS. No, sir.

The CHAIRMAN. How were you nominated?

Mr. REYNOLDS. My friends circulated the nomination papers for me.

The CHAIRMAN. You never did circulate them yourself?

Mr. REYNOLDS. No, sir.

The CHAIRMAN. But you circulated them for Senator Stephenson?

Mr. REYNOLDS. Yes, sir.

The CHAIRMAN. Did you pay out any of this \$80 that you received from Senator Stephenson to any other person to assist you in circulating his nomination papers?

Mr. REYNOLDS. Yes, sir; I paid \$1.50. [Laughter.]

The CHAIRMAN. To whom did you pay that \$1.50?

Mr. REYNOLDS. To a man that I had hired. I thought perhaps I could use him to circulate the papers. I did not like to go around the county myself.

The CHAIRMAN. Did he circulate Senator Stephenson's papers?

Mr. REYNOLDS. Yes, sir. He spent one day at it, but gave it up. [Laughter.]

The CHAIRMAN. How many days did you spend at it?

Mr. REYNOLDS. I spent I think about 28 days. I will not say positively.

The CHAIRMAN. When did you commence to circulate Senator Stephenson's nomination papers?

Mr. REYNOLDS. I think I commenced some time in the last part of June.

The CHAIRMAN. And you worked at it during nearly all of July, did you?

Mr. REYNOLDS. Yes, sir.

The CHAIRMAN. How many names did you get upon that paper?

Mr. REYNOLDS. I could not tell you, sir.

The CHAIRMAN. Can you approximate it? Did you get a hundred?

Mr. REYNOLDS. I think I got considerably more than that.

The CHAIRMAN. Two hundred?

Mr. REYNOLDS. I do not know. I could not say.

The CHAIRMAN. Had you announced your candidacy for the legislature at the time you were circulating this paper?

Mr. REYNOLDS. No, sir.

The CHAIRMAN. When did you announce your candidacy for the legislature?

Mr. REYNOLDS. Some time in August.

The CHAIRMAN. You had to file your nomination papers on the 1st of August, did you not?

Mr. REYNOLDS. It must be some time in the last of July, then. It was a few days before the time was up in which to file the nomination papers.

The CHAIRMAN. Were no papers circulated on your behalf for your nomination?

Mr. REYNOLDS. Not that I know of. My friends circulated my nomination papers.

The CHAIRMAN. Then you did not know that you were a candidate for the legislature at the time you circulated Senator Stephenson's papers? Are we to understand that?

Mr. REYNOLDS. No, sir; I did not.

The CHAIRMAN. Did you know that you were a candidate for the legislature at the time you received the \$80 from Senator Stephenson?

Mr. REYNOLDS. No, sir; I did not.

The CHAIRMAN. You afterwards received a further sum from Senator Stephenson. How much was that?

Mr. REYNOLDS. \$100.

The CHAIRMAN. When did you receive that \$100?

Mr. REYNOLDS. That was some time about the middle of July, I think.

The CHAIRMAN. At that time were you a candidate for nomination to the legislature?

Mr. REYNOLDS. I do not think I was; no. I expected to be. It was according to circumstances. If I got a man to stay in my house and his wife to keep house for us, I would be a candidate; and we did not secure a family till along in the latter part of July.

The CHAIRMAN. Then, having found some one to do that service for you, you became a candidate for the legislature? Is that correct?

Mr. REYNOLDS. Yes, sir.

The CHAIRMAN. Did you do any work for Senator Stephenson in connection with his nomination during the month of August? Did you canvass for him?

Mr. REYNOLDS. No, sir; I did not.

The CHAIRMAN. All that you did was in the month of July, was it?

Mr. REYNOLDS. In the month of July, and I think some in June.

The CHAIRMAN. But you did nothing for him after you received from him either the \$80 or the larger sum which you say he paid you in July—the \$100? You did no work for him after you received any money from him?

Mr. REYNOLDS. Yes, sir. I did; yes.

The CHAIRMAN. What work did you do after you received the money?

Mr. REYNOLDS. Why, I traveled through the county in all directions, advising farmers that it was their duty to nominate such a man as Senator Stephenson.

The CHAIRMAN. Did you hire a man to work in your place during that time?

Mr. REYNOLDS. Yes, sir.

The CHAIRMAN. What did you pay him per day?

Mr. REYNOLDS. \$1.50.

The CHAIRMAN. How many days did he work?

Mr. REYNOLDS. I kept him a month—26 days. I called it \$2 a day; \$1.50 and board—that is \$2 a day; \$1.50 cash.

The CHAIRMAN. Before the legislative committee you seem to have accounted for \$51.50 that you paid out on Senator Stephenson's account. Did you pay out more than that?

Mr. LITTLEFIELD. No. He accounted for \$128.50 and left \$51.50 to be accounted for, according to the testimony, if the chairman please.

The CHAIRMAN. The counsel is right.

Mr. REYNOLDS. I paid this man that came around with me the first time.

The CHAIRMAN. There was \$51.50 unaccounted for before the committee. Have you any recollection now that will enable you to account for that?

Mr. REYNOLDS. Yes; I paid the livery bill.

The CHAIRMAN. Was not that included in the \$128.50 that you accounted for?

Mr. REYNOLDS. I do not know that it was.

The CHAIRMAN. Did you tell George Kindlin that you had saved \$100 out of this money that Senator Stephenson gave you?

Mr. REYNOLDS. Not that I know of. He says I did.

The CHAIRMAN. He said you did?

Mr. REYNOLDS. Yes.

The CHAIRMAN. You say you did not tell him that?

Mr. REYNOLDS. I said I would not tell him the truth, anyway. He was a busybody.

The CHAIRMAN. If you made any statement to him, then, it would be to deceive him, would it?

Mr. REYNOLDS. Well, he interfered in asking questions, and I knew his object.

Mr. LITTLEFIELD. You say he was a busybody?

Mr. REYNOLDS. A busybody; yes.

The CHAIRMAN. Did you spend any of this money that Senator Stephenson gave you in campaigning for yourself?

Mr. REYNOLDS. No, sir; I did not.

The CHAIRMAN. When did you commence to make a campaign? Do you remember?

Mr. REYNOLDS. I commenced to make the campaign, I think—I won't say positively—perhaps about the 10th of July. No; not so soon as that—some time after the 20th of July, I think.

The CHAIRMAN. Do you realize that it would be improper for you to receive money from a candidate for the United States Senate, upon whose candidacy you as a member of the legislature would have to vote? What are your views on that question?

Mr. REYNOLDS. I did not ask money. Senator Stephenson sent me money. I did not ask it and did not need it.

The CHAIRMAN. He testifies that he handed you the \$80.

Mr. REYNOLDS. He handed me the \$80; yes; and he sent me the \$100 without my asking it or receiving it. I was under obligations to Senator Stephenson, and I would really rather do the work for him without money. He sent it to me.

The CHAIRMAN. Now return to my question: Did you not think it was improper for you to receive money from a man who was a candidate for the United States Senate, when you might have to vote on that question if you were elected?

Mr. REYNOLDS. I did not think anything at all about that.

The CHAIRMAN. It did not occur to you at all?

Mr. REYNOLDS. I never thought of it.

The CHAIRMAN. How long have you been a supporter of Senator Stephenson?

Mr. REYNOLDS. Oh, I have admired Senator Stephenson highly for 50 years—over 45 years.

The CHAIRMAN. Have you known him or known of him during all that time?

Mr. REYNOLDS. I have—not personally, but it was almost a household word in our county about Senator Stephenson's patriotism, generosity, charity, and all that makes up a fine man; and I admired him on that account.

The CHAIRMAN. And because of that you would have supported him in the absence of receiving anything?

Mr. REYNOLDS. Yes, sir; and especially when he came in with us common folks at the primary election, to help to advance the cause of the primary election. I took up with him more on that account.

The CHAIRMAN. You think the primary election is a great institution, do you?

Mr. REYNOLDS. Not now.

The CHAIRMAN. When did you change your opinion?

Mr. REYNOLDS. I changed it four years ago, when I saw the ingratitude of the man that Senator Stephenson helped so long. When I saw the cold ingratitude of him, I changed it.

The CHAIRMAN. Did you receive any more than \$180 from Senator Stephenson, or from anyone in his behalf?

Mr. REYNOLDS. I received \$100 from Senator Stephenson's manager.

The CHAIRMAN. Is that the \$100 that you have referred to? Did you receive \$280 altogether from Senator Stephenson or his manager?

Mr. REYNOLDS. I did not consider it from Senator Stephenson, although Senator Stephenson told me afterwards that he told them to send it to me—I supposed for my services; I do not know for what.

The CHAIRMAN. Did you receive \$280 altogether from Senator Stephenson?

Mr. REYNOLDS. Yes, sir.

The CHAIRMAN. You received \$80 from Senator Stephenson personally, did you not?

Mr. REYNOLDS. Yes.

The CHAIRMAN. Then you received \$100 from Senator Stephenson personally?

Mr. REYNOLDS. No, sir; not personally.

The CHAIRMAN. From whom did you receive it?

Mr. REYNOLDS. I received it through the mail.

The CHAIRMAN. Did you receive the second \$100 through the mail?

Mr. REYNOLDS. The second \$100; yes, sir. That is the only \$100 I received through the mail, the second \$100—no; the first \$100. The first \$100.

The CHAIRMAN. Did you receive another \$100 after that?

Mr. REYNOLDS. I received \$100 by check from his manager.

The CHAIRMAN. Did you receive \$100 by check from Senator Stephenson?

Mr. REYNOLDS. No, sir.

The CHAIRMAN. Did you receive more than one sum of \$100 from the manager?

Mr. REYNOLDS. That is all I received from the manager—\$100, a \$100 check.

The CHAIRMAN. Tell us how you received the \$280.

Mr. REYNOLDS. I received \$80 from Senator Stephenson, and \$100 afterwards from him.

The CHAIRMAN. From Senator Stephenson?

Mr. REYNOLDS. Yes.

The CHAIRMAN. Personally?

Mr. REYNOLDS. Not personally; no.

The CHAIRMAN. How did you receive it?

Mr. REYNOLDS. Through the mail.

The CHAIRMAN. And then you received more money?

Mr. REYNOLDS. Then \$100 from his manager—from Edmonds.

The CHAIRMAN. Can you fix the dates of those several payments?

Mr. REYNOLDS. No, sir; I can not fix the dates.

The CHAIRMAN. You can not fix the dates at all?

Mr. REYNOLDS. No. I took no interest in it. In fact, I did not think anything about fixing the dates. I did not want the money. I would do the work without it; and I did not take any interest in fixing the dates.

The CHAIRMAN. The committee would like to be quite sure as to the total amount that you received. Let us see if we understand you. First you received \$80, which was handed to you by Senator Stephenson?

Mr. REYNOLDS. Yes, sir.

The CHAIRMAN. Where was that handed to you? Where were you?

Mr. REYNOLDS. I was on a boat. I went down to look after some park business—to meet the park board—and I met Senator Stephenson on the boat.

The CHAIRMAN. Now that is fixed. You got that \$80?

Mr. REYNOLDS. Yes, sir.

The CHAIRMAN. Where were you when you received the first \$100 after that?

Mr. REYNOLDS. I can not just tell you. I think I was on my way canvassing.

The CHAIRMAN. You were out canvassing?

Mr. REYNOLDS. I think so.

The CHAIRMAN. Was that check drawn to your order?

Mr. REYNOLDS. It did not come in a check.

The CHAIRMAN. How did it come?

Mr. REYNOLDS. It came in currency.

The CHAIRMAN. \$100 in currency?

Mr. REYNOLDS. Yes, sir.

The CHAIRMAN. How was it delivered to you, and by whom?

Mr. REYNOLDS. Either my wife or some of my children got it from the post office, I think.

The CHAIRMAN. Was there a letter with it?

Mr. REYNOLDS. I presume so.

The CHAIRMAN. Have you any recollection about it?

Mr. REYNOLDS. No; I have not. I do not know that they sent me the letter.

The CHAIRMAN. How do you know that it was from Senator Stephenson?

Mr. REYNOLDS. Well, I do not. No; I could not tell positively. I imagined it was.

The CHAIRMAN. What made you think it was from Senator Stephenson?

Mr. REYNOLDS. Because it came from Marinette.

The CHAIRMAN. Was it in one bill or a number of bills?

Mr. REYNOLDS. I could not tell you. I do not know.

The CHAIRMAN. It was not a hundred-dollar bill, was it?

Mr. REYNOLDS. No, sir; I do not think it was.

The CHAIRMAN. It was just sent through the post office in an ordinary envelope, was it?

Mr. REYNOLDS. No; it was a registered letter, I think.

The CHAIRMAN. Who signed for the registered letter?

Mr. REYNOLDS. Either my wife or some of my children; I do not know who.

The CHAIRMAN. Do you think the post office would allow your wife or any of your children to sign for a registered letter?

Mr. REYNOLDS. Oh, yes. We get several registered letters, and the post office allows any of my children to sign for them.

The CHAIRMAN. You received that \$100 in currency. Then, how long was it before you received the check?

Mr. REYNOLDS. The check was way after the primary, I think.

The CHAIRMAN. Oh! After the primary?

Mr. REYNOLDS. Yes.

The CHAIRMAN. Your memory on this question is rather defective, is it not? You can not say now whether that check was received after the primary or before?

Mr. REYNOLDS. Yes; I could say that I received it after the primary.

The CHAIRMAN. Now, let us see if your memory can gather itself together. In this account filed by Mr. Edmonds you are charged, on July 24, with receiving a check for \$100—"T. F. Reynolds." That is your name?

Mr. REYNOLDS. No, sir.

The CHAIRMAN. Then that is not your check?

Mr. REYNOLDS. No, sir.

The CHAIRMAN. On August 14 there is a check to T. F. Reynolds for \$100. You say that is not your check?

Mr. REYNOLDS. No, sir.

The CHAIRMAN. You are Thomas Reynolds? You have no middle letter?

Mr. REYNOLDS. No, sir.

Senator POMERENE. In what county do you live?

Mr. REYNOLDS. Door County.

The CHAIRMAN. Some confusion has arisen out of the fact that there are two men of nearly the same name.

Mr. REYNOLDS. I thought there was something wrong.

The CHAIRMAN. So you say you did not receive any check until after the primary election?

Mr. REYNOLDS. No, sir.

The CHAIRMAN. What you received before the primary election was all in cash, was it?

Mr. REYNOLDS. Yes, sir.

The CHAIRMAN. \$80 and \$100?

Mr. REYNOLDS. Yes, sir.

The CHAIRMAN. How long after the primary election did you receive the check for \$100?

Mr. REYNOLDS. I can not tell you. I think it must have been a month, perhaps, or more.

The CHAIRMAN. After the primary?

Mr. REYNOLDS. Yes, sir.

The CHAIRMAN. You were then a candidate for election, having been nominated, were you not?

Mr. REYNOLDS. Yes, sir; I was nominated.

The CHAIRMAN. You had been nominated when you received that second check?

Mr. REYNOLDS. Yes, sir.

The CHAIRMAN. And were making your campaign for election?

Mr. REYNOLDS. Yes, sir.

The CHAIRMAN. Where were you when you received it?

Mr. REYNOLDS. I think I was in the southern part of the county.

The CHAIRMAN. By whom was that check signed?

Mr. REYNOLDS. I think it was drawn on the Commercial Bank of Milwaukee. I can not tell who it was signed by. I do not remember.

The CHAIRMAN. Was there a letter accompanying it?

Mr. REYNOLDS. Yes, sir; I think there was.

The CHAIRMAN. From whom was the letter?

Mr. REYNOLDS. I could not swear positively. I forget.

The CHAIRMAN. It is quite important.

Mr. REYNOLDS. Yes; I can remember. It was from Edmonds. I remember now.

The CHAIRMAN. Mr. Edmonds was then chairman of the State Republican central committee?

Mr. REYNOLDS. Yes, sir.

The CHAIRMAN. And as such chairman he sent you \$100, did he?

Mr. REYNOLDS. Yes, sir.

The CHAIRMAN. Did he say on whose account he sent it to you? Did he say on whose behalf he sent it to you?

Mr. REYNOLDS. He said that Mr. Overbeck advised him to send it to me. I remember that much of it.

The CHAIRMAN. He said that Mr. Overbeck advised him to send you a check for \$100?

Mr. REYNOLDS. So he said; yes.

The CHAIRMAN. For what purpose did he say you were to receive it?

Mr. REYNOLDS. He did not say.

The CHAIRMAN. He simply said to send you a check?

Mr. REYNOLDS. Yes, sir.

The CHAIRMAN. Do you know whether he then had any connection whatever with Senator Stephenson's candidacy for the United States Senate?

Mr. REYNOLDS. Whether Mr. Edmonds had?

The CHAIRMAN. Yes.

Mr. REYNOLDS. Why, yes; I thought so.

The CHAIRMAN. He has testified that he closed up his connection with Senator Stephenson's campaign. I think, a few days after the primary—the 16th of September. Was this after the 16th of September that you received it? The primary election was on the 1st day of September.

Mr. REYNOLDS. I have no recollection at all as to dates. I can not tell you.

The CHAIRMAN. You do not know whether this check for \$100 was sent you on behalf of Senator Stephenson or whether Mr. Edmonds,

as chairman of the State Republican central committee, sent you this check out of the committee funds? You do not know that?

Mr. REYNOLDS. I understood Mr. Edmonds sent me the check out of the committee funds. I understood so.

The CHAIRMAN. That is, out of the State central committee funds?

Mr. REYNOLDS. Yes, sir.

The CHAIRMAN. That is what you understood?

Mr. REYNOLDS. Yes.

The CHAIRMAN. Do you consider that check as having been received from Senator Stephenson or from anyone on his behalf?

Mr. REYNOLDS. Mr. Stephenson told me afterwards that he told him to send it to me.

The CHAIRMAN. He did?

Mr. REYNOLDS. Yes, sir.

The CHAIRMAN. Where was he when he told you that?

Mr. REYNOLDS. I do not know. I can not tell just where he was.

The CHAIRMAN. Were you having a conversation with him in regard to his election?

Mr. REYNOLDS. No; I do not know why he told me, except to let me know he wanted to pay me for my services.

The CHAIRMAN. Do you think the \$100 check which you received after the primary election was in compensation for services that you had rendered Senator Stephenson before the primary election?

Mr. REYNOLDS. No; I do not think it was.

The CHAIRMAN. After the primary election, Senator Stephenson was not a candidate, was he?

Mr. REYNOLDS. No; he was not a candidate.

The CHAIRMAN. For anything?

Mr. REYNOLDS. Will you allow me to explain?

The CHAIRMAN. Yes; let us hear your explanation.

Mr. REYNOLDS. I thought they appreciated my services, and I thought I had a right to use that money for other purposes besides Senator Stephenson and myself. I wanted to help an ex-Congressman who was running. I had it very strongly in my mind that he was a friend and a good man, and he helped us with the—oh, this new move; this new political move; what do you call it? I just forget its name.

The CHAIRMAN. You can name it.

Mr. LITTLEFIELD. The "moral uplift"?

Mr. REYNOLDS. I suppose it is something like that.

The CHAIRMAN. You were nominated and elected as a member of the general assembly, were you not?

Mr. REYNOLDS. Yes, sir.

The CHAIRMAN. That is the general assembly that elected Senator Stephenson to the United States Senate?

Mr. REYNOLDS. Yes.

The CHAIRMAN. You voted for him as a member of the legislature, did you not?

Mr. REYNOLDS. Yes, sir.

The CHAIRMAN. And you filed an expense account, did you?

Mr. REYNOLDS. Yes, sir.

The CHAIRMAN. It is to be found at page 259 of the testimony before the joint investigation committee and is Exhibit 43. That is the expense account that you filed, and it reads as follows:

4 days, man and horse, \$3 and expenses-----	\$21. 00
3 days, horse-----	\$4. 50
	3. 75
	8. 25
7 days' expenses, self, \$3-----	21. 00
	50. 25
21 days, actual expenses-----	63. 00
1 man, 21 days, at \$1.50 and board, \$2-----	42. 00
1 man, Eigel Carlson-----	1. 50

Were those expenses incurred during the campaign by you?

Mr. REYNOLDS. Those expenses were incurred at the commencement for canvassing and bringing those men around with me.

The CHAIRMAN. Who was this man—"One man, 21 days, at \$1.50 and board, \$2"?

Mr. REYNOLDS. He is a man by the name of Emil Carlson.

The CHAIRMAN. The next item is, "One man, Eigel Carlson, \$1.50." That is not the same man?

Mr. REYNOLDS. Yes; that was the same man.

The CHAIRMAN. Did he go around with you for 21 days?

Mr. REYNOLDS. No, sir.

The CHAIRMAN. Who was the man that went around with you for 21 days?

Mr. REYNOLDS. Frank Smith.

The CHAIRMAN. Then the next item is, "Others for getting signatures, \$10." That makes a total of \$166.75. The next item is, "Putting up lithographs about a week, \$4, \$28." That makes a total of \$194.75 that you accounted for. Is that statement correct?

Mr. REYNOLDS. As far as I know; yes, sir.

The CHAIRMAN. How much money did you expend during the campaign for treats, liquors, or cigars?

Mr. REYNOLDS. I estimated for Senator Stephenson perhaps about \$10 out of his money.

The CHAIRMAN. You testified before the investigation committee, at page 263, that you were not a candidate for the assembly when the work began for Senator Stephenson.

Mr. REYNOLDS. No, sir; I was not.

The CHAIRMAN. Did you become a candidate while the work for which you were paid was going on?

Mr. REYNOLDS. I did not become a candidate until I got through with Senator Stephenson's papers.

The CHAIRMAN. You say the people knew that you were spending Senator Stephenson's money. Was that true? Did you tell them that you were spending Mr. Stephenson's money?

Mr. REYNOLDS. Those people that talked to me in Madison—I told them just whatever came to my mind, to let them know how little I thought about them.

The CHAIRMAN. You say on page 264 that you spent Senator Stephenson's money while you were a candidate for the legislature. Is that true?

Mr. REYNOLDS. No, sir; that is not true.

The CHAIRMAN. You were mistaken when you said that?

Mr. REYNOLDS. Yes. They were trying to baffle me, to make me say something like that.

The CHAIRMAN. Well, I shall not baffle you any more. That is all.

Mr. LITTLEFIELD. Did you spend any of the \$180 that you received from the Senator, either directly or indirectly, for the purpose of promoting your own nomination in the primary?

Mr. REYNOLDS. No. I had no occasion to.

Mr. LITTLEFIELD. You had opposition in the primary, did you not?

Mr. REYNOLDS. Yes, sir.

Mr. LITTLEFIELD. By what majority were you nominated in the primary?

Mr. REYNOLDS. I can not tell you now. I forget.

Mr. LITTLEFIELD. Did you have a fight of any consequence on your hands?

Mr. REYNOLDS. Oh, no; not much. I did not consider it much of a fight.

Mr. LITTLEFIELD. You say you understood that the \$100 which you received, as you say, something like a month after the primary day, came from Mr. Edmonds, the chairman of the Republican State central committee, and out of the Republican State central committee fund?

Mr. REYNOLDS. Yes.

Mr. LITTLEFIELD. Did you understand that was for the purpose of promoting the Republican ticket in that campaign in the election which was then on?

Mr. REYNOLDS. Well, that is what I used it for, anyway.

Mr. LITTLEFIELD. You used it for the promotion of the election of the Republican ticket?

Mr. REYNOLDS. Yes, sir.

Mr. LITTLEFIELD. And not particularly your own election?

Mr. REYNOLDS. No, sir.

Mr. LITTLEFIELD. You used it for the election of all of the men on the ticket?

Mr. REYNOLDS. Oh, I knew I was all right.

Mr. LITTLEFIELD. You did not have any occasion to work specifically for yourself?

Mr. REYNOLDS. No; no occasion at all.

Mr. LITTLEFIELD. I take it the people in that section knew you?

Mr. REYNOLDS. Yes; they knew me well.

Mr. LITTLEFIELD. Do you remember what majority you received in that election?

Mr. REYNOLDS. No; I do not. I never care about those things. If I win, that is all I care about.

Mr. LITTLEFIELD. Was any money expended by you in the interest of Senator Stephenson in the primary election for the purpose of bribing or corruptly influencing any elector to vote for the Senator?

Mr. REYNOLDS. No. If I had had the time, I would not have had to spend a half a cent for Senator Stephenson—if I had had time to talk to the men of Door County. They all know him, and they know what he did for the people there, when they were all poor. There was no occasion to spend a cent for Senator Stephenson in Door County.

Mr. LITTLEFIELD. You had been a friend of the Senator's for some time?

Mr. REYNOLDS. Yes.

Mr. LITTLEFIELD. Do you remember writing a letter to the Milwaukee Free Press, which was printed in the issue of February 28, 1908, long before the Senator announced his candidacy, in which letter you came out in favor of the Senator as a candidate for the United States Senate?

Mr. REYNOLDS. Yes, sir.

Mr. LITTLEFIELD. I show you the file of the Milwaukee Free Press under date of February 28, 1908, and I call your attention to an item that appears in the fourth column under the head of "Letters to the Free Press," and "Another candidate for United States Senator," which purports to be signed by Thomas Reynolds, dated Jacksonport, Wis., February 25.

Mr. REYNOLDS. Yes; that is mine.

Mr. LITTLEFIELD. You are the author of that?

Mr. REYNOLDS. Yes.

Mr. LITTLEFIELD. I will put that into the record at this point [reading]:

Another Candidate for U. S. Senator.

To the EDITOR: I have been waiting patiently to find out the sentiment of some of the citizens of the State in regard to accepting the claim of the Hon. Mr. Cook, of Neenah, for United States Senator, the announcement of whose candidacy was published in the Free Press. He states that he will represent all of the industrial classes, if elected, including the farmers and common laborers, and work for the common interest of all. He also states that he has no apology to offer for his acts in the past; that he was guided by his best light. That is a claim always put forth.

Before I consent to vote for Mr. Cook for United States Senator I want him to state what part he played in breaking up the most dangerous class to the perpetuation of good American citizenship that ever was organized in the United States, known by the title of "Stalwarts." There have been several individuals active in that unholy organization that really believed the destinies of the common people will be safer in their keeping than to be guided by the dictates of their own conscience. If such an individual were to apply to Mr. Cook for aid to put him in a position to enact laws for the benefit of the many, would he not have common sense enough to think that by putting such a man in such a position he would be paving the way toward political suicide? Selfishness blinds us.

What reason can Mr. Cook give to the multitude for asking them to transfer faith in Senator Stephenson as an honest legislator, with a mind impregnated for the benefit of mankind? He has generously used his great influence and means for the common good. May I ask Mr. Cook if he has done likewise? If he were not possessed of financial means to do so, did he volunteer his talents to help to lift his fellow man from political slavery? In case he were not possessed of either means or talent to help the cause of the people, has he given his sympathy in good measure?

If so, let him state when and how.

Let me call your attention to another idea, Mr. Cook. There are more farmers and laborers in Wisconsin than in all other occupations combined. Is it not fair that we should be represented by one of our own number? When the time comes for a change I intend to file my claim for the honor, and I trust Mr. Cook will be reasonable enough to give me a hearty indorsement.

THOMAS REYNOLDS.

JACKSONPORT, WIS., Feb. 25.

I take it that you would have voted for Senator Stephenson without reference to whether or not he had handed you any money for use in his interest in the campaign?

Mr. REYNOLDS. Oh, yes; I had a great deal rather he would not have given me the money. I was under obligations to him. I was elected to the legislature as a farmer. I was the first farmer that was ever elected in Door County, and I wanted to do something that nobody else ever did for Door County. I proposed to get a State park there. I could not get it without the influence of Senator Stephenson and his promise of cash to help it along. I talked to him about it, and I told him it would be a great thing in the coming years if he and I were identified with having this State park in Door County. I asked him, when I introduced the bill, for a promise from him that he would help the State financially, and he said, "Yes, Tom; you can say I will help." I told the members of the legislature that I was sure when Senator Stephenson promised help at all he would give not less than \$25,000, and that caused the members to give Door County Park the preference, so long as I guaranteed that we would get \$25,000 as a bonus from a friend of mine.

Mr. LITTLEFIELD. When was this?

Mr. REYNOLDS. I traveled the State for him. It was only on that account, because there was a certain class of fellows in Door County that did not want me to be elected. They said I would be no good—that a farmer would be no good in such a place.

Mr. LITTLEFIELD. And you wanted to show them that you could make good?

Mr. REYNOLDS. Yes.

Mr. LITTLEFIELD. It is not every farmer, I take it, that can locate a park.

Mr. REYNOLDS. No. That is what I think.

Mr. LITTLEFIELD. That is all.

Senator POMERENE. When was this talk with Senator Stephenson?

Mr. REYNOLDS. The first time I was in the legislature, the people of Madison and Monroe—

Mr. LITTLEFIELD. When were you first in the legislature?

Mr. REYNOLDS. In 1907. The people of Madison and Monroe wanted to establish a park out at Devils Lake, 35 miles from Madison. They invited the legislature out, and gave us a very fine dinner under the shade of the trees out there. There was a gentleman from Madison, a very fine orator, who made a very fine speech in behalf of the project. Going on in his speech, he said, looking over at Senator Stephenson, that there would be the grandest opportunity that ever a wealthy man could have to have a monument of fame erected to his memory by making a liberal donation for a park.

The CHAIRMAN. I think we will take that for the whole story.

Senator POMERENE. When was this talk with Senator Stephenson? I am referring now to the talk which you gave in answer to Mr. Littlefield's question. When was it that you had that talk?

Mr. REYNOLDS. I can not give you the date.

Senator POMERENE. When was it with reference to this campaign in which you circulated his nomination papers?

Mr. REYNOLDS. He wrote me from Marinette, and asked me if I could circulate his nomination papers.

Senator POMERENE. Fix that in your mind.

Mr. REYNOLDS. Yes.

Senator POMERENE. When was it with reference to that time that you had this talk with him about making a donation for the park?

Mr. REYNOLDS. I had it coming in from Devils Lake on the cars with him.

Senator POMERENE. Was that before or after you circulated these nomination papers?

Mr. REYNOLDS. Oh, it was two years before.

Mr. LITTLEFIELD. It was during the legislature of 1907?

Mr. REYNOLDS. Yes.

The CHAIRMAN. I would not open that up any further. He said two years prior.

Mr. LITTLEFIELD. Just one question: Were you, in the legislature of 1907, a supporter of, and did you vote for, Senator Stephenson at that time?

Mr. REYNOLDS. Yes.

Mr. LITTLEFIELD. That is all.

The CHAIRMAN. You are excused.

TESTIMONY OF JAMES J. MCGILLIVRAY.

JAMES J. MCGILLIVRAY, having been previously sworn, testified as follows:

The CHAIRMAN. Where do you reside?

Mr. MCGILLIVRAY. Black River Falls, Wis.

The CHAIRMAN. Do you hold any office in the State of Wisconsin?

Mr. MCGILLIVRAY. I am mayor of the city of Black River Falls.

The CHAIRMAN. Have you at any time been a member of either house of the Legislature of the State of Wisconsin?

Mr. MCGILLIVRAY. Yes.

The CHAIRMAN. During what time?

Mr. MCGILLIVRAY. I was a member of the legislature for 4 years, and a member of the senate for 12 years—16 years in succession.

The CHAIRMAN. When were you last a member?

Mr. MCGILLIVRAY. In the session of 1905.

The CHAIRMAN. You have not been a member of either house since 1905?

Mr. MCGILLIVRAY. No, sir.

The CHAIRMAN. You supported Senator Stephenson during the campaign in 1908, when he was a candidate for the United States Senate?

Mr. MCGILLIVRAY. Yes; in the primary contest.

The CHAIRMAN. Did you receive money from Senator Stephenson, or from anyone representing him, to be used in his interest in the campaign of 1908?

Mr. MCGILLIVRAY. Yes.

The CHAIRMAN. How much did you receive?

Mr. MCGILLIVRAY. \$600.

The CHAIRMAN. Did you receive it all at one time?

Mr. MCGILLIVRAY. All at one time.

The CHAIRMAN. From whom?

Mr. MCGILLIVRAY. I think the check was sent to me from Mr. Edmonds.

The CHAIRMAN. Was it accompanied by a letter?

Mr. MCGILLIVRAY. Yes.

The CHAIRMAN. Have you the letter?

Mr. MCGILLIVRAY. I have not.

The CHAIRMAN. What did the letter say?

Mr. MCGILLIVRAY. As near as I can remember, it said, "Inclosed please find \$600, to be used as you see fit in Jackson County."

The CHAIRMAN. Without referring to the Stephenson campaign?

Mr. MCGILLIVRAY. I think he mentioned Senator Stephenson's campaign. I am not sure.

The CHAIRMAN. What did you do with that money?

Mr. MCGILLIVRAY. I put it in the bank.

The CHAIRMAN. What bank?

Mr. MCGILLIVRAY. The Jackson County Bank.

The CHAIRMAN. Where is that bank situated?

Mr. MCGILLIVRAY. At Black River Falls.

The CHAIRMAN. Did you place it in your general account, or in an account by itself?

Mr. MCGILLIVRAY. In my general account.

The CHAIRMAN. Just tell us what you did with it.

Mr. MCGILLIVRAY. The first thing I did was to map out a campaign for Senator Stephenson. I discovered that the county was pretty well canvassed.

The CHAIRMAN. What county?

Mr. MCGILLIVRAY. Jackson County; and that if Senator Stephenson was to get a plurality in that county, a good deal of work had to be done. It was a question in my mind what kind of a campaign to put up. I wanted the Senator elected, because I thought he was a good business man, and he had made good and had helped us in the State here. He did a great many things for the people here, and I thought he was entitled to a seat in the Senate.

The CHAIRMAN. Tell us what you did.

Mr. MCGILLIVRAY. I mapped out a campaign, as I stated, something like this: I thought I would go through the county personally and try and get a plurality of votes for him. I felt that if we got a plurality of votes in the county for him, the member would vote for him. I would take a team and go in the country, and be gone maybe two or three days, or such a matter. I would visit farmers; and I would go up to a farmer's house, and if I found him there I would talk with him about Senator Stephenson.

The CHAIRMAN. Did you do this?

Mr. MCGILLIVRAY. I did.

The CHAIRMAN. Are you speaking of your plan now, or of the execution of your plan?

Mr. MCGILLIVRAY. I am speaking of the execution of the plan. That was the plan I mapped out.

The CHAIRMAN. What is your business?

Mr. MCGILLIVRAY. I am in the manufacturing business.

The CHAIRMAN. Manufacturing what?

Mr. MCGILLIVRAY. All kinds of building material.

The CHAIRMAN. Lumber?

Mr. MCGILLIVRAY. Yes. I manufacture lumber up into a finish of this kind.

The CHAIRMAN. That is, you handle lumber?

Mr. MCGILLIVRAY. Yes.

The CHAIRMAN. Proceed.

Mr. MCGILLIVRAY. I would go out to the farmer and ask him how he felt toward voting for Senator Stephenson. I would tell him the

good qualities of Senator Stephenson, and carry around some buttons with me and some banners and some literature, and endeavor in every way possible to get as many votes as I could for Senator Stephenson. I would enlist other men to work when I found they were willing to support him.

The CHAIRMAN. Give us the name of somebody that you enlisted.

Mr. MCGILLIVRAY. I would make speeches wherever I could.

The CHAIRMAN. Give us the name of some one that you enlisted.

Mr. MCGILLIVRAY. I will have to get my book to do that.

The CHAIRMAN. If you have a memorandum, you may use it.

Mr. MCGILLIVRAY. I have a memorandum of every dollar that I spent; and if you want a memorandum of it, I will give it to you.

The CHAIRMAN. Yes; we should like to have the statement.

Mr. MCGILLIVRAY. Here is my book, you see. Every night when I would come in, or every time when I would come in, I would put down the money I spent; and if you want the items, I will read them to you.

The CHAIRMAN. We want the items.

Mr. MCGILLIVRAY. I have no names attached to them, and no dates.

The CHAIRMAN. No names or dates?

Mr. MCGILLIVRAY. No; just a memorandum of the money.

The CHAIRMAN. Can you remember to whom you paid it, so as to put in the names?

Mr. MCGILLIVRAY. No, sir.

The CHAIRMAN. You were merely keeping tab on the amount of money you had on hand?

Mr. MCGILLIVRAY. Yes.

The CHAIRMAN. Did you pay it out by check?

Mr. MCGILLIVRAY. I paid out cash. I wanted to have an account with the Senator. That was the only thing I had in mind that I had to do, because they had not asked me to render an account.

The CHAIRMAN. Did it not occur to you that it might be convenient to know the name of the person to whom you paid the money?

Mr. MCGILLIVRAY. Oh, no; I never do that. I have campaigned for years there.

The CHAIRMAN. Have you read the election law of the State of Wisconsin?

Mr. MCGILLIVRAY. Yes.

The CHAIRMAN. Does it not require you to state in detail the persons to whom you pay the money?

Mr. MCGILLIVRAY. I do not think so.

The CHAIRMAN. And the purpose for which you paid it, and the amount paid?

Mr. MCGILLIVRAY. I do not think so.

The CHAIRMAN. Proceed.

Mr. MCGILLIVRAY. I will now give you the list, to show you how my items are placed in my book. For instance, I started out with stamps, \$5; office help, \$22; stamps and other expenses, \$14; paper, \$5; hall, \$1.50; hall, \$2; cigars, \$4.50; tacks, 10 cents; meal, 40 cents; board, \$2.75; team to work with, \$10.50; men to work with, \$10; men, \$2.75; posting sign, \$2.50; trip and men, \$43.95; help hired, \$22.50; trip, \$17; trip, \$18; trip, \$10; trip, \$10; board, \$5; trip, \$25; hall, \$10; expenses and men, \$5; expenses and men, \$5, again; one trip, \$22;

stamps, \$10; team, \$1.50; team, \$2; board and other expenses, \$5; cigars, \$2; cigars, \$3.50; expenses, \$15; expenses, \$3.63; expenses, \$4.50; fare to Milwaukee and some expenses, \$7.80; expenses in Milwaukee, \$6.20; teams, \$1.50; fare to Madison and some expenses, \$8.25; expenses, \$2.75; one trip, \$30; one trip, \$17; help hired, \$18; stamps, \$10; expenses, \$5; expenses, \$3; expenses, \$2; expenses, \$1; tickets to a show, \$7.50; men to work, \$9; men in city, \$3; trip, \$12; trip, \$17; trip, \$18; expenses, \$2.75, \$3.25, \$4.80; trip, \$27.32; bus, 50 cents; stamps, \$3; postage, 25 cents; expenses, \$1.40; expenses, \$1; express, 25 cents; expenses, \$2; work, \$1.40; trip, \$7; stamps, \$1.40; cigars, \$4; expenses, 50 cents, \$10, 40 cents, \$1.80; meal, 40 cents; help hired, \$14.50; papers, 20 cents; expenses, \$1; expenses, \$5; board, 75 cents; board, 70 cents; board, \$1.50.

That makes a total of \$599.65. That leaves 35 cents, which I returned to Senator Stephenson by check or draft, to make up the \$600.

The CHAIRMAN. Take those items of expense: Can you at this time tell what the expenses were?

Mr. MCGILLIVRAY. Oh, no, sir!

The CHAIRMAN. Can you give us an idea as to the character of that item?

Mr. MCGILLIVRAY. You mean the expense item?

The CHAIRMAN. Yes. What did you include?

Mr. MCGILLIVRAY. Oh, I would include the board of the men if I took them to a hotel, and I would include giving a farmer or some laboring man \$2 or \$2.50 or \$3 to help.

The CHAIRMAN. You have items of \$17, \$23, and other amounts for expenses?

Mr. MCGILLIVRAY. That means all that kind of expenses.

The CHAIRMAN. That means entertaining them, does it?

Mr. MCGILLIVRAY. Well, I did not entertain a great deal. I did not buy any liquor or beer; but I would buy other things. We did not want to feel that we were too big to treat a man to a cigar or a meal of victuals. Sometimes we would go up to a house, and there would be a thrashing bee on. I wanted to get the good will of the thrashing crew. I could not stop the machine, and the best thing to do would be to go up to the house and get the woman to put an extra piece of pie at each plate, and put a cigar alongside of it; and I would pin a button on the baby, if there was one on the floor, and go ahead. In that way I went through the county myself personally, and made speeches in several places. I divided it up in my former testimony into lump sums. The committee asked me at that time to try to give them some few names, and I think I did. I do not see them right here.

Mr. BLACK. It is on page 2590 of your testimony.

Mr. MCGILLIVRAY. I think that ought to be divided in this way: If I remember right, there was a mistake made in the first testimony. When I went back, I called the men up by telephone and asked them how much money I had given them. I think it was divided up in the testimony like this: \$40.50 for stamps; office expenses, \$76.50; halls, \$23.50; for expenses and men, \$26.50.

The CHAIRMAN. In this testimony here, it is "train" expenses.

Mr. MCGILLIVRAY. I think that is right. Have you the testimony there?

The CHAIRMAN. "And the expenses that goes with them, train expenses, \$26.50." I quote from page 2590.

Mr. MCGILLIVRAY. Yes. Cigars, \$15; trips, \$227.27.

The CHAIRMAN. That is, trips into the country?

Mr. MCGILLIVRAY. Yes; all over the country. I think where people were named, the amounts footed \$37.75, and all other expenses \$152.63, making \$599.65. I will explain that correction. When I gave my testimony I supposed I had it very nearly right. When I went home I called up these men and asked them if the amounts I had stated were correct. I found that the amount given to Brewer was more than I gave in, so I corrected that.

The CHAIRMAN. What did you make it? You gave it as \$12.25.

Mr. MCGILLIVRAY. \$17.25 was the right amount.

The CHAIRMAN. You raised it \$5?

Mr. MCGILLIVRAY. Yes. There was one man I supposed I had given \$10, but it was only \$3, and another one whom I supposed I had given \$5 I had given only \$2.50. It made \$4.50 less than the amount I gave in the first testimony.

The CHAIRMAN. What did you do then?

Mr. MCGILLIVRAY. I immediately came down here before the Senate end of the committee and corrected it. It was the best that I could do.

The CHAIRMAN. Did you send Senator Stephenson a check for that balance?

Mr. MCGILLIVRAY. Yes; and I got his receipt for it.

Senator POMERENE. Did you render any account to the committee?

Mr. MCGILLIVRAY. No.

Senator POMERENE. Did they ask you for any?

Mr. MCGILLIVRAY. No.

Senator POMERENE. With whom did you make your arrangement to take charge of the campaign in your county?

Mr. MCGILLIVRAY. I think it was Mr. Edmonds. I am not sure. He called me down here to Milwaukee, I think, and something happened so that he had to go to Appleton, and I talked with Mr. Puelicher and some other gentleman, and Mr. Edmonds sent me a check.

Senator POMERENE. Did you employ any men through the county to do work at the polls?

Mr. MCGILLIVRAY. Yes; these men that are listed here.

Senator POMERENE. Just those few names?

Mr. MCGILLIVRAY. Yes. There were some more, but I could not remember them and give the amounts with the names.

Senator POMERENE. That is under the item of "other expenses"?

Mr. MCGILLIVRAY. Yes.

Senator POMERENE. Which you gave as \$148.13?

Mr. MCGILLIVRAY. Was that the amount that I gave?

Senator POMERENE. That seems to be your testimony.

Mr. MCGILLIVRAY. Whatever that was, it was correct, all but the \$4.50.

Senator POMERENE. You employed these men to do what?

Mr. MCGILLIVRAY. To go down to the polls, and some to get their teams and take men to the polls. This man Conway was hired with his team to take men to the polls, and this man Brewer was hired to take men to the polls.

Senator POMERENE. Did you pay any of the men at any time for going to the polls to vote?

Mr. MCGILLIVRAY. Oh, no; we do not do anything like that.

Mr. LITTLEFIELD. Did you pay any money, either directly or indirectly, for the purpose of bribing or corruptly influencing any electors in the primary election in the interest of Senator Stephenson?

Mr. MCGILLIVRAY. No; we do not do that.

Mr. LITTLEFIELD. Was any money paid by any of the persons to whom you gave money, so far as you know, for the purpose, either directly or indirectly, of bribing or corruptly influencing any voters in that primary election in the interest of Senator Stephenson?

Mr. MCGILLIVRAY. No. The amounts are too small, even though they wanted to do that. They could not do it.

Mr. LITTLEFIELD. This city of which you are the mayor is the one that has been recently destroyed by the flood?

Mr. MCGILLIVRAY. Yes.

Mr. LITTLEFIELD. Did your own place of business go also?

Mr. MCGILLIVRAY. My own place of business was wrecked, so that I am practically a beggar to-day.

Mr. LITTLEFIELD. That is all.

The CHAIRMAN. That is all. You are excused. The committee will stand adjourned until to-morrow morning at 10 o'clock.

(Whereupon, at 4 o'clock and 35 minutes p. m., the subcommittee adjourned until to-morrow, Thursday, October 19, 1911, at 10 o'clock a. m.)

THURSDAY, OCTOBER 19, 1911.

FEDERAL BUILDING,
Milwaukee, Wis.

The subcommittee met at 10 o'clock a. m.

Present: Senators Heyburn (chairman), and Pomerene.

Present also: Mr. C. E. Littlefield, Mr. W. E. Black, and Mr. H. H. J. Upham, counsel for Senator Isaac Stephenson.

The names of Elmer E. Haight, D. H. Davies, Matt J. Regan, Melvin A. Hoyt, James Stover, Silas A. Towne, Walter Alexander, L. H. Stevens, C. L. Pearson, William Powell, Winters Everett, H. L. Peterson, Frank J. Wagner, and James A. Stone were called.

Mr. Davies, Mr. Regan, Mr. Hoyt, Mr. Stover, Mr. Alexander, Mr. Stevens, Mr. Pearson, Mr. Powell, Mr. Everett, Mr. Peterson, Mr. Wagner, and Mr. Stone responded to their names, and the oath was administered to them by the chairman.

Mr. BLACK. Mr. Chairman, I feel at this time that I should make a statement to the committee, so that it may be upon the record, concerning the trunk which was produced and identified, on yesterday, and the contents thereof, if I may have permission to do so.

The CHAIRMAN. Certainly, Mr. Black; you may proceed.

Mr. BLACK. Mr. Chairman, this trunk contains the correspondence, poll lists, and mailing cards—in fact, all that was contained in the box in relation to which Mr. McMahon testified. The first knowledge I had of the existence of that correspondence was when Mr. McMahon testified before the legislative committee, which was about the 2d or 3d day of April, 1909. He then testified that this correspondence and other stuff around the headquarters was gathered together and put into a box to be expressed to Marinette.

Thereupon I made inquiry, and investigated as to whether or not such a box had been sent to Marinette.

That was the first I had ever known anything about it. I learned that there was such a box in a warehouse at Marinette. At that time I took steps to have that box, or the contents of it, removed to Escanaba, Mich., where it would be under my control, so that if called for by the legislative committee I could produce it, or take such action in relation to it as I might determine at that time.

I want to say in that connection, also, that Senator Stephenson was in Washington at the time and that I did not confer with him at all in relation to the matter. My instructions at that time were specific, that nothing contained in that box should be destroyed or tampered with. The box or the contents were not afterwards called for by the legislative committee; and when the investigation at Madison closed I gave the matter no further thought. In effect, it passed out of my mind. Nor did I think about it in connection with this investigation until after we had started, whereupon I sent a man from our office to Escanaba to get all of those papers—that is, this correspondence and everything that had been contained in the box—and bring it down here. It came to our office on the 10th of this month, in the trunk which was produced here on yesterday, and which was identified.

I do not recall whether my instructions were that the box or the contents of the box should be taken to Escanaba. But the fact is, as I am informed, that only the contents of the box were taken, which explains the fact that the box in which the contents were expressed from the Milwaukee headquarters to Marinette was not brought here.

To the best of my knowledge and belief, and in view of the instructions I have given, the trunk contains all that was in that box. After it was received here, the trunk was brought to our office. I locked it up the day it was brought over here, and handed the key to Mr. Smith, the clerk of the committee.

There is another matter that I desire at this time to call to the attention of the committee, to show the committee that it is our desire that it may have the benefit of the information that we have in relation to this matter. I refer to the letterpress book of Senator Stephenson during the period covered by this primary campaign, and also certain letters which he received during that primary campaign, which I have and am willing to produce to the committee.

During the course of the investigation mention was made of the Edmonds checks on the National Exchange Bank, which, as I understand, I was to produce before the committee; also the checks of Mr. Stephenson that were used in relation to the primary campaign, which I now have here and which I will produce for the committee.

I believe that is all I desire to state in relation to the matter at this time.

SENATOR POMERENE. Who took that box from Marinette to Escanaba?

MR. BLACK. Mr. R. E. McLean.

SENATOR POMERENE. Who is Mr. McLean?

MR. BLACK. He resides at Wells, Mich. By the way, when I said "Escanaba" I should have used the word "Wells." Wells is a little suburb out of Escanaba. Escanaba is the railroad station.

SENATOR POMERENE. What is his business?

MR. BLACK. He is the manager or superintendent of the I. Stephenson Co. at Escanaba.

Senator POMERENE. Was it because of his relation to Senator Stephenson that he was selected to do that errand?

Mr. BLACK. I had confidence that Mr. McLean would keep those papers and things.

Senator POMERENE. You selected him, did you?

Mr. BLACK. I think I did.

Senator POMERENE. In whose charge were these papers while at Marinette?

Mr. BLACK. As I say, my information is they were in this warehouse. I never personally saw this box, nor did I ever see the contents of it until those contents came down here.

Senator POMERENE. Who shipped them to Marinette?

Mr. BLACK. Mr. McLean.

Senator POMERENE. No; from here to Marinette?

Mr. BLACK. That I only know from the testimony of Mr. McMahon. I think he referred to Mr. Lambeck.

Senator POMERENE. To whose address were they sent?

Mr. BLACK. That I do not know. I presume to Isaac Stephenson.

Mr. LITTLEFIELD. The Senator inquires about the address at Marinette.

Senator POMERENE. Who was the consignee named?

Mr. BLACK. That I do not know. When I investigated, I ascertained that such a box was there. I do not remember who the consignee was. I presume it was Isaac Stephenson.

Senator POMERENE. What was the object in sending these papers over into Michigan?

Mr. BLACK. As I said before, I desired to have these where they would be under my control, to produce them if called for. And I may say, in that connection, that in view of the rather hostile feeling existing during the legislative investigation, and the belief on the part of the adherents of Senator Stephenson that that investigation was not only directed at him but against his friends and adherents, I did not feel that this correspondence, which was a campaign correspondence between various people, should be produced before that committee, to be made use of in harassing, as I believed, these various people who may have corresponded, although I may be mistaken in my belief that it would have been so used. That was my reason, Senator, for doing what I did.

Senator POMERENE. Since that time have you talked to Mr. Edmonds with respect to the whereabouts of these papers?

Mr. BLACK. I have not.

Senator POMERENE. Or with Mr. Sacket?

Mr. BLACK. With Mr. Sacket. Mr. Sacket knew within a day or two that the papers were over at my office, but not prior to that time—not before he was on the stand.

Senator POMERENE. How far is it from Milwaukee to Escanaba or Wells?

Mr. BLACK. It is about 175—no, it is 225—miles, I think.

Senator STEPHENSON. It is about 250 miles.

Mr. LITTLEFIELD. A seven or eight hour run.

Senator POMERENE. Did either Mr. Edmonds or Mr. Sacket know where these papers were, or that they were in existence, when they were on the stand?

Mr. BLACK. I do not think they did, unless they knew of the testimony given by Mr. McMahon before the legislative investigating committee.

Mr. LITTLEFIELD. Mr. Edmonds testified that he never read that testimony at all.

Mr. BLACK. I think he did; yes. They had testified at the legislative committee prior to the time that Mr. McMahon testified.

Mr. LITTLEFIELD. So far as I know they had no knowledge of it. It is a matter that I never talked over with either one of them, and so far as I know they knew nothing about it.

Mr. BLACK. Another thing, Senator. As I understood, this testimony that was given by Mr. Sacket in regard to the destruction of certain things related to the card index on which he kept his account, and which was no part of the matter contained in this box.

Senator POMERENE. I have not the testimony fully in mind, but it seems to me that, if the witnesses had acted with entire candor, they might have given us some information which would have led to the whereabouts of these papers being discovered without the necessity for using up so much time to investigate it.

Mr. LITTLEFIELD. I do not think, Senator, that either of them knew anything about it. I do not believe they did. That is a matter I never discussed with either one of them, but my impression is that they knew nothing about it whatever.

Senator POMERENE. I have no disposition to be unjust to anybody in this matter, but it seems to me that, with all our efforts here, we ought to have known of this. I can realize the delicacy of the situation.

Mr. LITTLEFIELD. Mr. Black has suggested that we are prepared to put into the hands of the committee the personal-letter book of the Senator during this period which is under investigation. I have not examined this book. There is very little of it, so I am advised, that has any relation whatever to the campaign. There is also some correspondence in the possession of Mr. Black, which we propose to offer to the committee.

We desire to make this request of the committee: This letter book relates to the private business of Senator Stephenson, and——

Senator POMERENE. We have no concern with that.

Mr. LITTLEFIELD. What I was going to suggest, Senator, was this: We would like to request that the members of the committee only examine this letter book. Naturally, the Senator does not want to have his private business in a place where anybody who has the curiosity can look into it. Of course we have no question at all about the discretion or judgment of the committee.

Senator POMERENE. We are not in the least concerned about his private affairs, and every effort will be made to protect them, so far as it lies within the power of the committee to do so.

Mr. LITTLEFIELD. That is the only suggestion we care to make in that respect. Of course we know that it is absolutely confidential, so far as the committee is concerned.

We would like to recall Mr. Reynolds for one question, if the chairman please. We overlooked asking him one question.

TESTIMONY OF THOMAS REYNOLDS—Resumed.

Thomas Reynolds, having been previously sworn, was recalled, and testified as follows:

Mr. LITTLEFIELD. I wish to call your attention directly to the matter to which I wish to direct your notice: Senator Blaine testified, if I remember correctly, that he had some talk with you prior to the filing of his charges with reference to the payment of money to you by Senator Stephenson. The only question I have to put to you is: Did you have any conversation with Senator Blaine relative to that matter prior to the time when he filed the charges?

Mr. REYNOLDS. No, sir; not one word.

Mr. LITTLEFIELD. That is all.

(The witness was thereupon excused.)

Senator POMERENE. There is just one question that I desire to ask Mr. Black with reference to the matter of this correspondence.

You stated, Mr. Black, that you sent a messenger to Escanaba to get these papers. Who was that messenger?

Mr. BLACK. C. C. Russell, an attorney in our office.

Senator POMERENE. He is connected with your firm?

Mr. BLACK. Yes sir.

Mr. LITTLEFIELD. Is he a member of the firm?

Mr. BLACK. He is not a member of the firm.

Mr. LITTLEFIELD. He is not a member of the firm, but is an employee of the office.

TESTIMONY OF MERRITT C. RING.

MERRITT C. RING, having been previously sworn, testified as follows:

The CHAIRMAN. Mr. Ring, give your full name to the reporter, please.

Mr. RING. Merritt C. Ring.

The CHAIRMAN. Where do you reside?

Mr. RING. Neillsville, Wis.

The CHAIRMAN. How long have you resided there?

Mr. RING. Over 37 years.

The CHAIRMAN. Were you born in this State?

Mr. RING. Yes, sir.

The CHAIRMAN. You took an active part in the Stephenson senatorial campaign in 1908, did you?

Mr. RING. Something of an active part.

The CHAIRMAN. You handled some money in the interest of Senator Stephenson?

Mr. RING. A little.

The CHAIRMAN. How much money did you receive from Senator Stephenson, or from those representing him, during that campaign? I refer now to the primary campaign.

Mr. RING. My memory is a little indistinct, and my testimony before would help. It is either \$800 or \$900.

The CHAIRMAN. Eight or nine hundred dollars?

Mr. RING. Yes.

The CHAIRMAN. From whom did you receive that money?

Mr. RING. From Mr. Edmonds.

The CHAIRMAN. Did you receive it all at once?

Mr. RING. I am not quite sure whether I did or not. I think I did.

The CHAIRMAN. Do you remember the date when you received it?

Mr. RING. No, sir. It was the fore part of August, I think.

The CHAIRMAN. You are charged with receiving on August 7, \$170. Do you recall that?

Mr. RING. Yes, sir.

The CHAIRMAN. From whom did you receive that?

Mr. RING. From Mr. Edmonds.

The CHAIRMAN. For what purpose was that received by you?

Mr. RING. For the purpose of assisting in the campaign of Mr. Stephenson.

The CHAIRMAN. What do you mean by "assisting in the campaign of Mr. Stephenson"? What were you to do for him?

Mr. RING. I was to expend it in such a way as my judgment dictated.

The CHAIRMAN. In what way did you spend it?

Mr. RING. I can not specify as to that \$170.

The CHAIRMAN. Did you keep an account or memorandum of your expenditures?

Mr. RING. I kept certain memoranda on a tablet on my desk. Whether I had all the items on that, I do not know. Most of the expenditures were in a form that I could easily remember without any reference to a memorandum.

The CHAIRMAN. State the manner in which you expended it.

Mr. RING. Of this amount that I received, \$50—I think it was at a later time than that—

The CHAIRMAN. You are charged with receiving sums later.

Mr. RING. Yes.

The CHAIRMAN. But you are charged with receiving \$170 on August 7.

Mr. RING. I can not state the purpose for which that particular \$170 was expended.

The CHAIRMAN. Can you give any account of it at all?

Mr. RING. Not as separated from the other money that was received a little later.

The CHAIRMAN. Did you have a specific arrangement as to the amount that you were to receive and what you were to do with it?

Mr. RING. Partially so. Some of it was simply to be expended upon my judgment and some of it was made payable to the parties to whom I expected to give it.

Senator POMERENE. That is, the check?

Mr. RING. Yes, sir.

The CHAIRMAN. You agreed upon a compensation which you were to receive, did you not?

Mr. RING. No.

The CHAIRMAN. In your testimony before the joint legislative committee, on page 2031, you testified that the aggregate amount you received was \$520 during the primary campaign.

Mr. RING. Yes, sir.

The CHAIRMAN. And that you do not include in that two checks, one of which was for \$250, a check to Mr. Smith, and \$50, a check to Mr. Levi Williamson, a newspaper man; and that adding these together it would add \$300 to the amount, \$520.

Mr. RING. Yes, sir; that is right.

The CHAIRMAN. Eliminate the checks that you merely received to hand over to somebody else and let us take up the sum that you received for your own handling—\$520.

Mr. RING. Yes, sir.

The CHAIRMAN. You testified that you received one check for \$170 payable to yourself. You received that on August 7. Tell us what you did with that money.

Mr. RING. I can only specify one amount of any considerable size from that.

The CHAIRMAN. That you paid out?

Mr. RING. Yes. I do not know that it was out of that particular \$170. It might have been paid after I received a little more.

The CHAIRMAN. The next payment that you are charged with having received was on August 18, \$350. There is an interval of 11 days between the receipt of those two amounts. You had doubtless started in to expend the \$170 before you received the other. Can you remember any payment that you made out of this?

Mr. LITTLEFIELD. Where does the chairman get the amount of \$350?

The CHAIRMAN. I get that from the testimony before the joint investigation committee, to be found on page 592. The first item of \$170 is on page 590.

Mr. RING. I can remember paying Mr. Dee, who was on the stand here yesterday, \$150. Whether that was out of the \$170 I can not say.

The CHAIRMAN. That statement is found on page 2039 of the testimony. You remember paying him that sum of money?

Mr. RING. I do; yes, sir.

The CHAIRMAN. Did you just transfer that check over to him?

Mr. RING. No, sir.

The CHAIRMAN. You paid it out of a larger sum which you had received?

Mr. RING. I think I paid him \$50 and promised to send him \$100, and afterwards sent it to him. That was his statement yesterday, and I think that is correct.

The CHAIRMAN. That is your testimony. You had received a larger sum of money at the time you paid him that money. I wish you would commence and account for this money as nearly as you can, if you can do so.

Mr. RING. I can not make any account in the strict sense of the term. I simply know that I traveled over about four counties, and when I met a man who was recommended to me as a good worker I gave him from \$5 to \$15 or \$20. I went into Chippewa, Eau Claire, and Clark Counties, and also Portage County, and I expended very small sums in each one.

The CHAIRMAN. You made no statement at any time to anybody of the expenditure of this money, did you?

Mr. RING. Yes, sir.

The CHAIRMAN. To whom did you make it?

Mr. RING. To Mr. Edmonds.

The CHAIRMAN. Did you make a complete statement in writing?

Mr. RING. It was in writing, but not an itemized statement.

The CHAIRMAN. You never rendered any statement of items, did you?

Mr. RING. No, sir.

The CHAIRMAN. You merely told him that you had expended this money?

Mr. RING. Part of it; yes, sir—most of it.

The CHAIRMAN. So far as I have examined your testimony, it would seem that you accounted for only one item of expenditure, and that is the sum paid to Mr. Dee. Can you recall any other item of expenditure?

Mr. RING. No, sir. I can not specify any other item that I think of now. I tried to at the time of the examination before the committee of the legislature, but could not.

The CHAIRMAN. Did you give Mr. C. M. Bradford \$50?

Mr. RING. I did not.

The CHAIRMAN. There was some testimony with reference to that matter. Can you recall that testimony?

Mr. RING. I did not hear a word of testimony on the subject of my giving Mr. C. M. Bradford any money.

The CHAIRMAN. You never did give him any money, did you?

Mr. RING. No, sir.

The CHAIRMAN. Did you pay any of this money to any man who was a candidate for the legislature?

Mr. RING. No, sir. Mr. Smith, to whom I delivered a check, was a candidate for the legislature.

The CHAIRMAN. You handed that check over to him without—

Mr. RING. Without any money.

Mr. LITTLEFIELD. What was the amount of the check?

Mr. RING. \$250.

The CHAIRMAN. What is Mr. Smith's first name?

Mr. RING. William L., I believe.

The CHAIRMAN. Was it charged against you that you had paid any money to a member of the assembly?

Mr. RING. No, sir.

The CHAIRMAN. Or a candidate for the assembly?

Mr. RING. Why, this man Smith.

The CHAIRMAN. Any other?

Mr. RING. No, sir; I never heard it.

The CHAIRMAN. Did you visit Senator Stephenson at Marinette during the campaign?

Mr. RING. I did not.

The CHAIRMAN. How often did you go to Milwaukee?

Mr. RING. Twice or three times. I think it was three times.

The CHAIRMAN. You visited Mr. McFarland at Stevens Point, did you?

Mr. RING. I did.

The CHAIRMAN. What was the purpose of that visit?

Mr. RING. To see if I could get the leading Republicans there to support Senator Stephenson as against Mr. Cook. I did not talk with anybody who I understood was in favor of Mr. Hatton or Mr. McGovern.

The CHAIRMAN. You paid Mr. Dee some money?

Mr. RING. I did.

The CHAIRMAN. What arrangement did you make with him in regard to the services that he was to perform for that money?

Mr. RING. I first inquired of him as to his leaning or inclination, whether he had decided what candidate to support. He freely told me that he thought Senator Stephenson was the man that he should support.

The CHAIRMAN. When was that?

Mr. RING. It was the same date that I was there. I have not the date.

The CHAIRMAN. Had you seen issues of his paper?

Mr. RING. I had not.

The CHAIRMAN. Could you not have told, by an examination of his paper, whether he was supporting Senator Stephenson?

Mr. RING. I could have found out, I suppose, whether or not he had been supporting him. I did not. I asked him about it.

The CHAIRMAN. What did he tell you?

Mr. RING. He told me he had not taken any decided stand in favor of any candidate at that time, but that he personally believed Senator Stephenson was the man for us to support, and that there was a rapidly growing sentiment in his county in favor of Senator Stephenson—which, I may say, I discovered was true from talking with other men while I was there.

The CHAIRMAN. He did support Senator Stephenson?

Mr. RING. He did, after that.

The CHAIRMAN. To your satisfaction?

Mr. RING. Yes, sir.

The CHAIRMAN. Pursuant to your arrangement with him?

Mr. RING. I thought he did very well. I asked him to send me each day a copy of the paper, which he did. In that way I wanted to keep tab on that.

The CHAIRMAN. Is it not a fact that he did not commence to support Senator Stephenson until the issue of August 17?

Mr. RING. I do not know what day he began, and I do not know what day I was there. It was not very long after, it seems to me, before he began publishing the advertisements, as they were called.

The CHAIRMAN. Were you a little bit afraid of Mr. Dee and the influence of his paper? Was that the reason you went to him to make arrangements for his support of Senator Stephenson?

Mr. RING. I will not say that I was afraid. I knew that he published a weekly and a daily paper in the city of Chippewa Falls—a Republican paper. I had always understood that such papers had more or less influence, and that it was desirable for a candidate for any office to get their support if he could.

The CHAIRMAN. What is your business?

Mr. RING. At present I am a farmer.

The CHAIRMAN. What were you doing at that time?

Mr. RING. I was farming.

The CHAIRMAN. Have you always been a farmer?

Mr. RING. No, sir.

The CHAIRMAN. Have you been in public office at any time?

Mr. RING. Yes, sir.

The CHAIRMAN. What office?

Mr. RING. I was school clerk and a member of both branches of the legislature. I was special agent of the Agricultural Department in London for a period.

The CHAIRMAN. How long since you were a member of the legislature?

Mr. RING. 1889.

The CHAIRMAN. You gave Mr. Smith \$250?

Mr. RING. Yes.

The CHAIRMAN. Did you know at that time that he was a candidate for the legislature?

Mr. RING. I suppose I did. I thought I did not at the time of the last investigation. I thought that he had not decided until afterwards to become a candidate; but the dates rather convince me that I must have known.

The CHAIRMAN. Did he not consent to become a candidate on condition that he should receive this money?

Mr. RING. No, sir; nothing in the world of that kind. Mr. Smith, I may say, privately and publicly said in his announcement as a candidate that he was pledged to support no candidate, but would support the candidate who received a majority of the votes at the primary election, no matter who it was.

Mr. LITTLEFIELD. You say Mr. Smith made that announcement in his campaign?

Mr. RING. Yes; and that was published in the newspapers.

The CHAIRMAN. Yes; but it is quite as important to know the announcement he made to you. Did he not state to you—and did you not so testify in effect, and that you so thought—that had he not received that money he would not have been a candidate?

Mr. RING. I do not think I ever so testified.

The CHAIRMAN. I will read the testimony given by you on page 2043, commencing at the bottom of page 2042:

Q. How did you come, then, to have a check payable for \$250 without consulting him about it?

That is Mr. Smith.

Mr. RING. Yes, sir.

The CHAIRMAN. To continue:

A. I thought I would consult him afterwards—while I was there and found that I was able to get or could get some money to help carry that county in Mr. Stephenson's interest. I could have taken it to myself, if I had said so, just as well, but I desired not to have any more of that kind of responsibility than was necessary; and I felt that Mr. Edmonds, whom I had met before but who didn't know much about me, that he would feel sure that the money would go to the fellows it was intended for or else not go at all.

You were there discussing the question of having received from Mr. Edmonds, while you were in Milwaukee, a check for Mr. Smith, were you not?

Mr. RING. With the committee.

The CHAIRMAN. You anticipated being able to make terms with Mr. Smith before you had talked to him about it, did you not?

Mr. RING. No. I do not know what you mean by "make terms."

The CHAIRMAN. Handing a man \$250 is doing something toward making terms with him.

Mr. RING. I made that kind of terms. I handed him the \$250 check.

The CHAIRMAN. Mr. Smith did not know you had that check for him until you told him, did he?

Mr. RING. Probably not.

The CHAIRMAN. Then your examination continues as follows:

Q. Do you know of anything that Mr. Smith did in consideration of the \$250?—A. Why, I know by his absence from the city that he was very busy; I consulted with him very frequently and asked him how things were going, and I think he was busy all the time, and he reported that it looked pretty good where he had been; so that was about all.

Q. Well, do you know whether he was busy in his own campaign or in behalf of Mr. Stephenson, or both?—A. Well, I know what he has stated here to be a fact, that after about the first week in August he didn't have much of any hope; that the help that he had relied on and expected, and without which, I guess, he wouldn't have been a candidate, failed him, and he didn't expect to be nominated, as he told me.

That is your testimony?

Mr. RING. That is about right.

The CHAIRMAN. That is to say, you mean by that that had he not received this \$250 he would not have been a candidate?

Mr. RING. Oh, no, sir; not by any possible construction. Certain men in the town who were influential had promised, as he said, to support him. Then things changed, and they withdrew their support. They did not support him, and he lost hope as soon as they withdrew. They attached their support to the other candidate. That was all there was to it.

The CHAIRMAN. Those men having withdrawn their support, you say he felt discouraged?

Mr. RING. As to his own candidacy.

The CHAIRMAN. And you revived his courage by giving him \$250?

Mr. RING. No, sir. He had the \$250 before his courage failed. That loss of courage was not a severe thing. Mr. Smith was manager of the telephone company there, and a very active man, thoroughly acquainted in the county, and as good a man as I could find in the county.

The CHAIRMAN. I was merely reading from your testimony. Did you give a man named McFarland any money?

Mr. RING. I did not.

The CHAIRMAN. Did you make any offer to any newspapers in Clark County to give them money to support Senator Stephenson?

Mr. RING. I did not give them any money, except Mr. Williamson.

The CHAIRMAN. Did you make any offer to them?

Mr. RING. I had some communication over the telephone.

The CHAIRMAN. Was that with the Greenwood Gleaner or the Loyal Tribune?

Mr. RING. Both of them.

The CHAIRMAN. Both of them?

Mr. RING. Yes.

The CHAIRMAN. Did they reject your offer?

Mr. RING. At first they said they would support Senator Stephenson, and fixed the amount. I think it was \$25.

The CHAIRMAN. You told them you were working for Senator Stephenson?

Mr. RING. Yes; I suppose so. Afterwards they telephoned or wrote me that they had concluded not to do it.

The CHAIRMAN. I will read these questions and answers.

Mr. LITTLEFIELD. What is the page, if the chairman please?

The CHAIRMAN. Pages 2044 and 2045.

Q. Did you make any offers to any newspapers in Clark County that you have in mind now—A. (interrupting). Yes, sir.

Q. (continued). Offering to pay them money for the support of Mr. Stephenson?—A. Yes.

Q. Who?—A. The Greenwood Gleaner and the Loyal Tribune.

Q. What offers, if any, did you make to them?—A. Well, I asked them if they had taken any position in the senatorial campaign yet, and they said they had not. I told them that I was doing some work in the interests of Mr. Stephenson and asked them if they were willing to publish some advertisements and matter in the interest of Mr. Stephenson. One of them said he would if there was anything in it, and the other said he would let me know the next day or that afternoon. This was all by telephone. The next day he called me up and said he would; wanted to know what I could pay. I asked him what he wanted, and he didn't seem to have much of an idea, and I said, "How would \$25 do?" He said that would be satisfactory, and he would do the work, and so on. I told him he could get matter from the headquarters or select from any paper that he saw what he wanted to publish in Mr. Stephenson's interests. The other man at Loyal said the same. He was to have \$15; he said he would take it and do the work.

That is correct, is it?

Mr. RING. Just about. It is true.

The CHAIRMAN (reading):

Q. Did they do it?—A. No.

Q. The deal was never consummated?—A. In a letter about a week after one fellow said he had changed his mind. I couldn't tell why he changed it, but I had my own ideas about it. Anyway, it wasn't consummated.

Q. Did you have any similar negotiations with any other newspaper in any of the other counties, except the Chippewa Herald?—A. No, sir; I did not. Before you drop that subject, if you please I want to say that there was a charge made, which was a little sensational in the way it was put, in the lower branch of this legislature, that money had been offered by me to Mr. George E. Crothers, of the Republican Press, of Neillsville, etc.

Q. Is that one of the specific charges filed?

Mr. BRAY. No; it isn't. It was made openly on the floor of the assembly.

Then follows a colloquy. Is that a correct statement?

Mr. RING. About right.

The CHAIRMAN. There was some question yesterday, when Mr. Dee was on the witness stand, in regard to the negotiations between you and Mr. Dee. You made the arrangement with Mr. Dee, did you, for the influence of his paper?

Mr. RING. I did.

The CHAIRMAN. Did Mr. Dee keep the contract which you made with him in that regard?

Mr. RING. My impression was and is, as I remember it, that he did not give any more than full measure, if he did give full measure.

The CHAIRMAN. Did he give less?

Mr. RING. It seemed to me as if he did. There was not any specified number of inches or amount of space. There was talk of columns and half columns, and all that, which I rather expected would be a little fuller than they were. But I never made any complaint.

The CHAIRMAN. Is not this the fact, Mr. Ring: That your arrangement with Mr. Dee was rather to keep him from advocating the cause of other candidates than that he should give any particular space to Senator Stephenson?

Mr. RING. No, sir; I should not say that was so at all.

The CHAIRMAN. Do you mean to say that you made an arrangement with him and paid him money, leaving him free to support other candidates than Senator Stephenson?

Mr. RING. Oh, no; no, sir. What he did was to be in the interest of Senator Stephenson, and, I understood, exclusive.

The CHAIRMAN. Then my question should have been answered in the affirmative. Then you did pay him for the exclusive support of Senator Stephenson?

Mr. RING. Well, perhaps.

The CHAIRMAN. A part of that arrangement being that he should not support other candidates against Senator Stephenson?

Mr. RING. If that was a part of it, it was only inferred. There was nothing said about supporting other candidates.

The CHAIRMAN. Would you have considered that he kept his bargain had he supported other candidates than Mr. Stephenson?

Mr. RING. No, sir; I should have been offended.

The CHAIRMAN. Then your purpose was to secure that paper against the support of other candidates as well as for the support of Senator Stephenson, was it not?

Mr. RING. Inferentially that would be so.

The CHAIRMAN. Directly?

Mr. RING. There was no express talk about not supporting other candidates.

The CHAIRMAN. You say you would have been offended had he supported other candidates?

Mr. RING. I should have thought it would have been a pretty rocky thing for him to do.

The CHAIRMAN. So that there was no agreement as to the amount of space that he was to give you?

Mr. RING. No.

The CHAIRMAN. It was merely that his paper should support Senator Stephenson?

Mr. RING. I told him that he would be furnished with advertising matter from the press bureau or the headquarters here in the city, in Milwaukee; and I supposed he would exercise his own discretion largely as to what he would print and what he would not print. I was not much acquainted with Mr. Dee, and do not know that I ever saw him before.

The CHAIRMAN. You gave \$50 to a Mr. Williamson, did you?

Mr. RING. Yes, sir.

The CHAIRMAN. What was that for?

Mr. RING. That was for the same purpose—publishing the advertisements and the pictures.

The CHAIRMAN. In what paper?

Mr. RING. In the Neillsville Times.

The CHAIRMAN. Is that a weekly paper?

Mr. RING. Yes.

The CHAIRMAN. Did you arrange for publication in the daily issue of Mr. Dee's paper?

Mr. RING. The daily issue; yes, sir.

The CHAIRMAN. And for that reason you gave him more than you gave Mr. Williamson?

Mr. RING. I thought it was worth more; yes.

The CHAIRMAN. That is not unreasonable. One was a weekly and the other was a daily. You received another check for \$500, did you not?

Mr. RING. No, sir.

The CHAIRMAN. What is the explanation of this transaction? There is a cashier's check payable to your order, indorsed on the back "M. G. Ring, by E. A. Edmonds"? Did you ever receive the proceeds of that check?

Mr. RING. I never received any \$500.

The CHAIRMAN. That check is for \$500.

Mr. RING. I did not receive all of any such amount.

The CHAIRMAN. Did you receive any part of the proceeds of that check?

Mr. RING. I could not say.

The CHAIRMAN. You ought to be able to say.

Mr. RING. I do not know why I ought to. I did not know the transaction here. If I was in town, he may have given me part of the money and given the rest to somebody else. I do not know what the transaction was. I never had \$500 paid me at one time by Mr. Edmonds, either in a check or in cash.

The CHAIRMAN. Is that one of the cases where Mr. Edmonds or someone else testified that in some cases he would draw a check to the order of those who were working for Senator Stephenson and then indorse it himself in the name of the payee, by E. A. Edmonds, and that the party to whom the check was drawn would never see the check or the proceeds?

Mr. RING. I may have had part of the proceeds. I do not know that.

The CHAIRMAN. You have no reason for supposing that you had, have you?

Mr. RING. I have not any reason or knowledge on the subject at all. If I was in town and wanted \$200, and there might have been one or two other fellows here who wanted an equal amount, he may have drawn a check to cover it all and given it to us.

The CHAIRMAN. You are building up a possible explanation of that check. You do not know anything at all about it, do you?

Mr. RING. Not the slightest, and I have told your honors so all the time.

The CHAIRMAN. And if you had been in town, you probably would have indorsed the check yourself. It is payable to your order. Would you not?

Mr. RING. I presume so; yes.

Mr. LITTLEFIELD. If it had been handed to you.

The CHAIRMAN. So it is not necessary to build it up. I merely wanted to get the fact that that check never came into your possession.

Mr. RING. No.

The CHAIRMAN. You had some communication or conversation with Mr. McFarland, did you not?

Mr. RING. Yes.

The CHAIRMAN. In which you sought to get his support for Senator Stephenson?

Mr. RING. Yes, sir.

The CHAIRMAN. Did you pay him any money?

Mr. RING. No, sir.

The CHAIRMAN. Did he support Senator Stephenson?

Mr. RING. He did not—so he says.

The CHAIRMAN. He refused?

Mr. RING. Yes.

The CHAIRMAN. And you did not offer any money to G. E. Crothers?

Mr. RING. I did not.

The CHAIRMAN. You circulated nomination papers for Senator Stephenson, did you not?

Mr. RING. No, sir. I think I got somebody else to do that, by the way, in my county.

The CHAIRMAN. Yes; you have testified in regard to it at page 2030.

Mr. RING. I will change that. I did circulate them in the city of Neillsville; I circulated them personally.

The CHAIRMAN. You circulated them yourself, did you not?

Mr. RING. Yes; I did.

The CHAIRMAN. Did you use any part of the money that you received from Senator Stephenson, or from anyone in his behalf, for the purpose of procuring the vote of any person for Senator Stephenson at either the primary or any other election?

Mr. RING. I did not in the one sense. I used it all for the purpose of procuring votes for Senator Stephenson.

The CHAIRMAN. Did you pay any person any money to vote for Senator Stephenson?

Mr. RING. I did not.

The CHAIRMAN. Were you at the legislature during the senatorial contest?

Mr. RING. No, sir.

The CHAIRMAN. That is all I have to ask.

Senator POMERENE. You said that from time to time you would state to Mr. Edmonds the amount of the expenses you had incurred. You rendered no account?

Mr. RING. No.

Senator POMERENE. No formal account?

Mr. RING. I was prepared to render a reasonably specific account to Mr. Edmonds at the end of the primary campaign.

Senator POMERENE. Did you keep a memorandum?

Mr. RING. I did, something of a memorandum, on my desk.

Senator POMERENE. Have you got that now?

Mr. RING. No.

Senator POMERENE. What has become of it?

Mr. RING. I suppose it went into the wastebasket after I had settled up with Mr. Edmonds.

Senator POMERENE. When was that?

Mr. RING. Some time after the primary election.

Senator POMERENE. What settlement did you have to make with him?

Mr. RING. Mr. Edmonds wrote me a letter asking what my charges were. I told him I would make no charges. I had \$25 left of the money that he had given me before, and I told him I would make no charge; and he sent me \$125 more, some time after the primary election, before the close of headquarters.

Senator POMERENE. And that made how much?

Mr. RING. That made \$150.

Senator POMERENE. I understand. But how much, in all, did you receive?

Mr. RING. \$125, in addition to \$520.

Senator POMERENE. That would be \$645, then?

Mr. RING. I should think so; yes.

Senator POMERENE. And, in addition to that, you received a check of \$150 for Mr. Smith?

Mr. LITTLEFIELD. \$250.

Mr. RING. \$250.

Senator POMERENE. Which you handed over to him?

Mr. RING. And \$50 for Mr. Williamson.

Senator POMERENE. That would be \$945. Does that represent the total amount of money received by you, or handled by you?

Mr. RING. It does.

Senator POMERENE. That represents the total amount of money received or handled by you, either directly or indirectly, in connection with this campaign?

Mr. RING. That represents the full amount, including what they volunteered to donate to me after the primary election.

Senator POMERENE. That was the \$125 that you spoke of?

Mr. RING. Yes.

Senator POMERENE. Were you, at any time, asked for an account of your expenditures?

Mr. RING. I was not.

Senator POMERENE. You, at no time, volunteered an account, except as you have heretofore indicated?

Mr. RING. That is all.

Mr. LITTLEFIELD. Was Mr. W. L. Smith nominated?

Mr. RING. He was not nominated.

Mr. LITTLEFIELD. For what purpose was this \$250 placed in his hands?

Mr. RING. To promote Senator Stephenson's campaign in Eau Claire County.

Mr. LITTLEFIELD. Was there any purpose of aiding in the campaign of Mr. Smith himself, as a candidate for the legislature?

Mr. RING. Not at all.

Mr. LITTLEFIELD. Was anything said about that, between yourself and Mr. Smith?

Mr. RING. There was at some time. I do not remember when.

Mr. LITTLEFIELD. State what was said.

Mr. RING. That was all that was said—that there was that money; that he could take it; and I wanted him to work as much as he could, wherever he went in Eau Claire County for Mr. Stephenson, to urge the voters to get out teams and help get out the vote for Mr. Stephenson. That was the idea.

Mr. LITTLEFIELD. Was anything said at either of those times in reference to his using the money in his own interest as a candidate for the legislature?

Mr. RING. I think he was told by me that he should not do that. He was able and competent to run his own campaign.

Mr. LITTLEFIELD. How long was this after the \$250 was given to him under those circumstances that he practically abandoned hope of the nomination?

Mr. RING. Oh, I can not give the date.

Mr. LITTLEFIELD. I mean, was it within a week or two?

Mr. RING. I think so. He came and told me that certain men that he named, who had promised to support him or he would not have

been a candidate in the first place, had come to him then and said they would not do it.

Mr. LITTLEFIELD. Do you know whether or not it is a fact that from that time on he substantially ceased any effort to procure his own nomination?

Mr. RING. I think so. A number of times when I talked with him he had no expectation of carrying the nomination.

Mr. LITTLEFIELD. What was the total sum that you figured out, Senator?

Senator POMERENE. \$945, according to the figures that I have here.

Mr. LITTLEFIELD. This sum of \$945 includes the sum of \$250 that you handed to Mr. Smith?

Mr. RING. Yes, sir.

Mr. LITTLEFIELD. And the sum of \$50 that you handed to Mr. Williamson?

Mr. RING. Yes, sir.

Mr. LITTLEFIELD. Mr. Williamson was the newspaper man?

Senator POMERENE. I just cast that up in my mind, without having the figures written down.

Mr. RING. That is substantially right.

Mr. LITTLEFIELD. That is the approximate sum, without stopping to make the precise computation—\$945?

Mr. RING. Yes.

Mr. LITTLEFIELD. As to the \$150; was that handed by you to Mr. Dee?

Mr. RING. He stated yesterday, and I am willing to admit that that is right, that I did not have enough to pay him \$150 at the time, and that I gave him \$50 and was to send him a hundred, which I afterwards did.

Mr. LITTLEFIELD. Was that \$150 a part of the \$520?

Mr. RING. Yes.

Mr. LITTLEFIELD. So that, with the \$150 out, that would leave in your hands something like \$370 for use in the campaign generally?

Mr. RING. Yes.

Mr. LITTLEFIELD. I am right about that?

Mr. RING. I think so.

Mr. LITTLEFIELD. Of that \$370, when you finished, if I understand your statement correctly, you had in your hands \$25?

Mr. RING. Yes.

Mr. LITTLEFIELD. So that would leave, for use in the campaign by you, something like \$345?

Mr. RING. About that.

Mr. LITTLEFIELD. Approximately that?

Mr. RING. Yes.

Mr. LITTLEFIELD. What did you do in the campaign?

Mr. RING. I spent practically all of my time from the time I first saw Mr. Edmonds until the campaign closed in trying to do what I could to advance the interest of Senator Stephenson.

Mr. LITTLEFIELD. When did you see Mr. Edmonds?

Mr. RING. The fore part of August, I should say.

Mr. LITTLEFIELD. The early part of August?

Mr. RING. Yes.

MR. LITTLEFIELD. You began, then, to do what? I should like to have you explain to the committee what you did. You say you spent your whole time. You might have done it in your own house, or you may have done it traveling about the various counties. Explain to the committee, briefly, so far as you can remember, just exactly what you did do.

MR. RING. I went to the city of Eau Claire, I should think, four or five different trips.

MR. LITTLEFIELD. How far is that from your home?

MR. RING. Fifty miles. It is in the next county, of Eau Claire.

MR. LITTLEFIELD. You went by rail?

MR. RING. By rail. It is a city of about 20,000, I think. I am very well acquainted in Eau Claire, and I talked with the leading business men of the town. There had been another representative of another candidate for United States Senator, who had been there spending some time advocating the support of Mr. Cook from the class of Republicans to which I appealed. I went to argue with those men, and told them why I thought they should not do that, but should support Mr. Stephenson. I had to take considerable time in doing that, because I could not always get at the men I wanted to see. I had to await their convenience; and, if I was sitting at the hotel, I tried to find somebody there that I could labor with. I had a ticket offered me, and accepted it, giving me the freedom of the Eau Claire Club during the time I was there. I spent quite a little time in the club, talking with leading Republicans I met there in the city and from outside of the city, and advocating the same thing.

MR. LITTLEFIELD. Please go right along, briefly, through your whole campaign, and state, in a general way, what you were doing. If you were expending any money in connection with the campaign, state, as nearly as you can, how much, and for what purpose the money was spent.

MR. RING. I was introduced, occasionally, by a leading Republican of the town that I happened to be in, to some man who was said to be a good worker, and who lived in the country; the kind of man that would help to get out the vote. I met quite a good number of those men that were introduced to me, because I had asked to be introduced to some such people, people that I had never met before; and they were vouched for as good, reliable Republicans who would do that kind of business well. I paid them from \$5 to \$20 a piece, to help to get out the vote, and to pay for teams, either their own teams or to get some farmer to take his team. I did that wherever I could.

MR. LITTLEFIELD. Are you able to give the committee the names of any of the men you met under those circumstances and with whom you made those arrangements?

MR. RING. No, sir.

MR. LITTLEFIELD. Why not?

MR. RING. I did not keep the names. They were entire strangers to me. The men who introduced me to those men would be the men that I knew about the city or other places.

MR. LITTLEFIELD. Do I understand that you were practically continuously engaged from the early part of August until the primary election day in work of the kind you have just described?

Mr. RING. I was; yes, sir.

Mr. LITTLEFIELD. Can you give the committee an approximate estimate of the number of men you succeeded in employing for this work?

Mr. RING. It would be only a guess.

Mr. LITTLEFIELD. Approximate, as nearly as you can.

Mr. RING. Perhaps 20; perhaps 18 or 17. I did not get down to the voter at all, hardly. I left it to the people whom I supposed to be and who were said to be good workers in campaigns. I wanted to get the vote out.

Mr. LITTLEFIELD. You say you kept a memorandum of your expenses during the campaign. Please explain to the committee how. That is, how you would make a note of disbursements that you were making, whether at the end of your trip or how?

Mr. RING. I think I noted how much money I took with me when I started out, counted what I had left when I got back, and noted down, by that means, how much I spent.

Mr. LITTLEFIELD. Did you make any memorandum of the various men to whom you had been introduced; that is, the names of the men?

Mr. RING. Not at all.

Mr. LITTLEFIELD. You simply made a memorandum of the sums you had disbursed in connection with your organizing work in the campaign?

Mr. RING. Yes, sir. I had bill posters, who would travel about, in some cases, to put up pictures, and so on; to put up advertisements.

Mr. LITTLEFIELD. You had persons to do that work for you?

Mr. RING. Yes.

Mr. LITTLEFIELD. Were they at work gratuitously?

Mr. RING. No; I paid them from three to five dollars. I guess nobody received any more than \$5.

Mr. LITTLEFIELD. How many counties did you cover?

Mr. RING. I did more work in Eau Claire County than in any other. I covered, in the sense that I worked quite a good deal, Chippewa County; but it was all done in Chippewa Falls. For instance, there were two assembly districts in Chippewa County, and I happened to meet the candidates from both of those districts, and tested the sentiment in their localities—what they thought, and whom they would favor. I talked with them upon that subject somewhat, and reported to them what I thought was being accomplished elsewhere, what the reports were that I heard, and that it looked quite favorable to Mr. Stephenson. I did what I could to rather convince them that Mr. Stephenson was the man they ought to support.

Mr. LITTLEFIELD. As I understand it, you did not place in the hands of any one man any sum in excess of \$15 or \$20?

Mr. RING. No, sir; not of that class, except Mr. Smith.

Mr. LITTLEFIELD. Yes.

Mr. RING. A few newspapers.

Mr. LITTLEFIELD. But outside of Mr. Smith, and the sums that went to Mr. Dee and Mr. Williamson, there were no sums in excess of \$10 or \$15 that were disbursed by you to anyone in connection with the campaign?

Mr. RING. No; not at all.

Mr. LITTLEFIELD. And when you finished your work in the campaign, your memorandum showed what as to disbursements?

Mr. RING. My memorandum and my memory indicated that I had about \$25 left; and I did not say anything about it nor do anything with it, because it was right up to the campaign then. Some little time later, a few days after the primary election, I had a letter from Mr. Edmonds wanting to know what my charges were for the time I had spent? I told him I would not make any charge; I would leave it to him, or some such thing as that. Anyway, he told me to keep the \$25, and sent me \$125 more.

Mr. LITTLEFIELD. So that you received \$150 for your services?

Mr. RING. Yes, sir.

Mr. LITTLEFIELD. Was all of the money that was placed in your hands, except the \$25, used by you in organizing for this campaign in the interest of Senator Stephenson?

Mr. RING. Yes, sir; all of it was so used.

Mr. LITTLEFIELD. You were asked this general question; but I will put it to you a little more specifically: Was any money paid by you, Mr. Ring, either directly or indirectly, for the purpose of either bribing or corruptly influencing any of the electors in that primary election in the interest of Senator Stephenson?

Mr. RING. No, sir.

Mr. LITTLEFIELD. Was any money paid by any of these people to whom you intrusted money, so far as you know, either directly or indirectly, for the purpose of either bribing or corruptly influencing any elector in that primary election campaign in the interest of Senator Stephenson?

Mr. RING. So far as I know, there was none. There was none of it given to them for any corrupt purpose.

Mr. LITTLEFIELD. You were inquired of before the legislative committee as to this statement about Crothers?

Mr. RING. Yes, sir.

Mr. LITTLEFIELD. I will read what you there stated, following along right after what the chairman quoted:

WITNESS. It was made openly on the floor of the assembly.

That is the charge in relation to Crothers.

I simply want to say, in the briefest manner possible, that there was absolutely no truth in that charge, and that if anybody ever told the gentleman who made the charge that, I haven't been able to find who it was; the proprietor of the newspaper doesn't say so, and he won't say so.

Is that correct?

Mr. RING. I think I stated that.

Mr. LITTLEFIELD. That is the way it was. The Bradford matter that was inquired about by the Senator was also a charge made in some statement on the floor of either the house or the senate——

The CHAIRMAN. He has already been over that.

Mr. LITTLEFIELD. Oh, yes. There was no truth in that charge?

Mr. RING. There was no truth in that charge. There were several specific items charged there, of money I had expended, by this man on the floor of the assembly; and I gave the committee——

Senator POMERENE. You mean this was in public session?

Mr. LITTLEFIELD. Yes.

Mr. RING (continuing). And I gave the committee to understand, as clearly as I could, that the statements were one and all absolutely

false, and that the man that made them had a character which they could investigate through means that I furnished them.

Mr. LITTLEFIELD. That is all.

Senator POMERENE. Did you ever have any talk with Mr. Smith as to what he did with this \$250?

Mr. RING. I do not believe I ever had any personal talk with him about it. I think he testified that he expended it.

Senator POMERENE. You had no personal knowledge on the subject?

Mr. RING. No.

Senator POMERENE. Did you make any arrangement with him as to how he was to expend it?

Mr. RING. Yes; I suppose it was an arrangement. I told him what it was for.

Senator POMERENE. What did you say? Give your language as nearly as you can?

Mr. RING. I told him that this was money to promote the interests of Senator Stephenson, and that he must work, and that I wanted to have him where he could employ people, workers at the polls, to bring out the vote, and that he should spend it in that way.

Senator POMERENE. I think that is all I care to ask.

Mr. LITTLEFIELD. That is all.

The CHAIRMAN. That is all. Mr. Ring will be excused.

I want to say at this time that in looking over the record I find that Mr. Regan will not be needed as a witness. This testimony seems to refer to another candidacy than that under investigation. I have gone through it very carefully. Mr. Regan will be excused. He may apply to the secretary of the committee and get his pay.

TESTIMONY OF LEROY E. MCGILL.

LEROY E. MCGILL, having been previously sworn, testified as follows:

The CHAIRMAN. Where do you reside, Mr. McGill?

Mr. MCGILL. At Ladysmith.

The CHAIRMAN. What is your occupation?

Mr. MCGILL. I practice law.

The CHAIRMAN. Did you participate in the campaign of Senator Stephenson for the United States Senate in 1908?

Mr. MCGILL. Yes, sir.

The CHAIRMAN. Did you receive money from Senator Stephenson, or from those representing him, to be used in that campaign?

Mr. MCGILL. Yes, sir.

The CHAIRMAN. How much?

Mr. MCGILL. \$475.

The CHAIRMAN. Did you expend it, or was it for services performed by you?

Mr. MCGILL. Both ways.

The CHAIRMAN. State the fact.

Mr. MCGILL. I received \$200, I believe, at one time from Mr. Edmonds and \$250 at another time—

Senator POMERENE. From Edmonds?

Mr. MCGILL. Yes; and \$25 from Mr. Dresser. Upon receiving the money I procured a poll list of the county.

The CHAIRMAN. What county?

Mr. MCGILL. Rusk County.

Mr. LITTLEFIELD. Is Mr. Dresser the gentleman who has already testified?

Mr. MCGILL. I do not know.

Mr. LITTLEFIELD. I simply wanted to identify him as we go along, because that saves time, if the committee has no objection. Is it L. B. Dresser?

Mr. MCGILL. Yes.

The CHAIRMAN. You say you procured a poll list of that county?

Mr. MCGILL. Yes, sir.

The CHAIRMAN. Did you do that personally, or did you employ someone to do it?

Mr. MCGILL. I employed someone to do it.

The CHAIRMAN. How much did you pay him?

Mr. MCGILL. \$5, according to my recollection.

Mr. LITTLEFIELD. Do you remember the name of the person you employed?

Mr. MCGILL. No; I do not.

The CHAIRMAN. That is \$5 that you account for?

Mr. MCGILL. Yes.

The CHAIRMAN. What other use did you make of the money?

Mr. MCGILL. I traveled throughout the county largely during the month of August. I gave some directions at the time Mr. Stephenson's papers were being circulated, and from that time on.

Mr. LITTLEFIELD. You mean the nomination papers?

Mr. MCGILL. I mean the nomination papers. I traveled throughout the county and made a campaign for Mr. Stephenson just as I would make one for myself. I hired rigs and autos, and telephoned, and solicited my friends to get out poll workers for Mr. Stephenson; and in one instance I think I paid a man after the primary was over. He said that he had expended for teams and day's work something like \$20, as I remember it. His name was Fred Arrow-smith. I paid him by check; and he is the only one I paid by check.

The CHAIRMAN. Just commence and enumerate the sums of money that you paid out.

Mr. MCGILL. I will do the best I can.

The CHAIRMAN. Yes. Do it as concisely as you can.

Mr. MCGILL. There was for stamps \$25, I believe. For printing, from \$5 to \$10. Telephones (this is largely guesswork), somewhere from \$5 to \$7. Livery rigs and auto hire—I would say \$20 ought to cover that. It might be more, and would not be any less. My hotel expenses—I do not know what they would amount to. Those are the only items that I have in mind at this time.

The CHAIRMAN. Were you acting as an attorney or as a canvasser?

Mr. MCGILL. Well, I do not know.

The CHAIRMAN. Did you keep part of this money as a fee?

Mr. MCGILL. Yes.

The CHAIRMAN. As a fee as an attorney, because you were an attorney at law?

Mr. MCGILL. Yes; I think so.

The CHAIRMAN. How much of it did you keep for that purpose?

Mr. MCGILL. I think I spent about \$300. It might have been more.

The CHAIRMAN. Just name the sum that you retained as attorney.

Mr. MCGILL. It would be \$175, if I spent \$300.

The CHAIRMAN. Did you advise those who were employed in canvassing for Senator Stephenson as to the manner and methods of making the campaign?

Mr. MCGILL. No, sir.

The CHAIRMAN. You say you did not?

Mr. MCGILL. I did not; no.

The CHAIRMAN. I understood you to say that you gave advice in reference to the circulation of the petitions.

Mr. MCGILL. No; not advice in that manner. Well, yes; I did.

The CHAIRMAN. You used the words "I advised them in regard to it."

Mr. MCGILL. Yes; I advised them in regard to it—some questions that would be asked me at the time of circulating the papers, perhaps as to the manner in which the papers should be filled out, the affidavit, and things of that kind.

The CHAIRMAN. I so understood you. I wanted you to make it more explicit.

Mr. MCGILL. Yes.

The CHAIRMAN. You paid out all of the money that you received for the general purposes you have stated?

Mr. MCGILL. Yes, sir.

The CHAIRMAN. Except that which you retained as attorney?

Mr. MCGILL. Yes, sir.

The CHAIRMAN. That is all.

Mr. LITTLEFIELD. Were you acting in your professional capacity in organizing the campaign, Mr. McGill?

Mr. MCGILL. I did not lay aside my professional business. I went along in the usual way.

Mr. LITTLEFIELD. For what were the sums expended by you in addition to the items that you have already given? Just state in a general way the purposes; and if you can, give any approximation of the amounts paid for various purposes, please give that.

Mr. MCGILL. I paid some amounts for circulating and posting literature.

Mr. LITTLEFIELD. Can you approximate the amounts?

Mr. MCGILL. \$10 or \$15—I could not say.

Mr. LITTLEFIELD. And what other items—what other features of the campaign?

Mr. MCGILL. I do not recall.

Mr. LITTLEFIELD. Did you employ any men for the purpose of canvassing or for the purpose of attending the polls on election day?

Mr. MCGILL. Yes. I paid Mr. Arrowsmith, and there were some others. Someone would direct me to a person who was recommended to be a good worker at the polls; and I would meet that man and give him a couple of dollars or \$3, as the case might be; in some instances \$5.

Mr. LITTLEFIELD. Do you remember the names of any of the men whom you employed for those purposes?

Mr. MCGILL. No; I do not, except the one already given.

Mr. LITTLEFIELD. Mr. Arrowsmith?

Mr. MCGILL. Yes.

Mr. LITTLEFIELD. How much time did you yourself devote to the campaign?

Mr. MCGILL. I devoted nearly the entire month of August to it, as I remember.

Mr. LITTLEFIELD. In a general way, what were you doing?

Mr. MCGILL. Driving over the country and meeting the voters and talking with them, finding out who the Stephenson men were, and reaching them by going to them.

Mr. LITTLEFIELD. State whether or not you were arranging for men to attend at the polls on election day and aid in getting out the vote.

Mr. MCGILL. Yes; I endeavored to do that in each precinct.

Mr. LITTLEFIELD. How many precincts were there in the county in which you lived and in which you were doing this work?

Mr. MCGILL. About 25, as I remember it, in that neighborhood.

Mr. LITTLEFIELD. Did you have arrangements in each precinct?

Mr. MCGILL. Yes, sir.

Mr. LITTLEFIELD. Can you give an approximate estimate of the expense that you incurred in connection with each precinct in the matter of having some one at the polls and arranging to get voters to the polls?

Mr. MCGILL. I should say it would not be less than \$5; probably more.

Mr. LITTLEFIELD. Did you keep any memorandum of your disbursements during the campaign?

Mr. MCGILL. No; although at the close of it I could have given a pretty close account of it.

Mr. LITTLEFIELD. Do you mean you could have given a pretty close account of it from your recollection of the facts, as they were then fresh in your mind?

Mr. MCGILL. Yes, sir.

Mr. LITTLEFIELD. I have forgotten whether or not you were a witness before the legislative committee.

Mr. MCGILL. Yes; I was there.

Mr. LITTLEFIELD. I understand you had no memorandum or notes that you took during the campaign?

Mr. MCGILL. No, sir.

Mr. LITTLEFIELD. Was all of this sum that came into your hands, except the \$175, disbursed for the purposes connected with organizing for the campaign and legitimately getting out the vote?

Mr. MCGILL. Yes, sir.

Mr. LITTLEFIELD. Was any money expended by you, either directly or indirectly, for the purpose of bribing or corruptly or unlawfully influencing any of the electors in that primary election in the interest of Senator Stephenson?

Mr. MCGILL. No, sir.

Mr. LITTLEFIELD. Was any money expended by any of these gentlemen to whom you intrusted funds for the purposes that you have described, either directly or indirectly, to your knowledge, for bribing or corruptly influencing voters in the interest of Senator Stephenson?

Mr. MCGILL. No, sir.

Mr. LITTLEFIELD. That is all.

Senator POMERENE. You rendered no account, did you?

Mr. MCGILL. No, sir.

Senator POMERENE. Was any requested at any time?

Mr. MCGILL. No, sir.

Senator POMERENE. That is all.

Mr. MCGILL. May I be excused now?

The CHAIRMAN. Yes; you may be excused.

TESTIMONY OF CHARLES E. BRADY.

CHARLES E. BRADY, having been previously sworn, testified as follows:

The CHAIRMAN. Mr. Brady, where do you reside?

Mr. BRADY. At Manitowoc.

The CHAIRMAN. What is your occupation?

Mr. BRADY. A lawyer.

The CHAIRMAN. How long have you resided in this State?

Mr. BRADY. All my life.

The CHAIRMAN. You took some part in the campaign of Senator Stephenson for United States Senator?

Mr. BRADY. Yes, sir.

The CHAIRMAN. You filed an affidavit with the legislative investigation committee, did you?

Mr. BRADY. I did.

The CHAIRMAN. I find it on pages 2252 et seq. of the proceedings. Exhibit 112 is the affidavit. In that affidavit you state that you received a draft or cashier's check for \$500 from the campaign managers of Senator Stephenson. Is that correct?

Mr. BRADY. That is correct.

The CHAIRMAN. How much of that money did you pay out to others?

Mr. BRADY. All of it.

The CHAIRMAN. You kept nothing at all for your own services?

Mr. BRADY. No, sir; not a cent.

The CHAIRMAN. You filed an account of the payments that you made, did you?

Mr. BRADY. I did not file an account. I kept a memorandum.

The CHAIRMAN. Have you the memorandum?

Mr. BRADY. I have not; no, sir. May I state the circumstances?

The CHAIRMAN. You may state them.

Mr. BRADY. I kept a memorandum during the campaign, giving in detail the amounts paid out and the names of all persons to whom amounts were paid where the amount exceeded \$5. Shortly after the campaign (within two or three weeks) I came to Milwaukee and called on Mr. Edmonds at the Republican State headquarters, and presented this memorandum, and told him I wished to deliver it to him to show what I had done. But Mr. Edmonds did not accept it at the time; and he stated in substance (I can not give his exact words) that he had not required accounts from others, or that the policy had not been to require accounts—something to that effect. So after I got home I destroyed the memoranda, together with whatever matter I had relative to the campaign.

The CHAIRMAN. Have you fully set forth in the affidavit that you filed in this investigation, which is Exhibit 112, all of the facts in regard to the receipt and expenditure of this money?

Mr. BRADY. I might be able to give a little more detail as to some of the facts; but that sets forth the facts.

The CHAIRMAN. I will say here that this witness has made a statement in writing, and sworn to it, and we have the original exhibit here. That affidavit or statement is found in the record, commencing at page 2252.

I ask the witness now what, if anything, he has to add to this statement in regard to the manner of the expenditure of this money?

Mr. LITTLEFIELD. Is there any objection to the witness taking his affidavit, so that he may have it fresh in his mind?

The CHAIRMAN. No. My object in putting the question in this way is, if possible, to shorten the testimony.

Mr. LITTLEFIELD. Yes; but the question in my mind is whether the witness can remember now without the affidavit before him?

The CHAIRMAN. It is the stereotyped testimony as to expenditures; and it is desirable at this period not to expand the record more than is necessary to fully set forth the facts.

Mr. LITTLEFIELD. Yes; I understand.

The CHAIRMAN. You may take this affidavit, look it over, and see if you have anything to add to it. Where there is nothing unusual about the expenditures, and they are fully set out in the statement, it is hardly worth while to repeat the items in the statement, as the statement itself will be a part of the record.

Mr. LITTLEFIELD. Yes, Mr. Chairman. I simply want to be sure that nobody can criticize us for not going into enough detail.

The CHAIRMAN. There will be no room for that.

You may proceed.

Mr. BRADY (after examining Exhibit 112). All that I can add to this statement is the names of two or three other persons.

Mr. LITTLEFIELD. Just add those names at this time, please.

Mr. BRADY. One is R. G. Plumb, of the city of Manitowoc—I think his name is Ralph—to whom I gave \$15 in payment for his time in interviewing various people previous to the primary-election day, and for spending his time at or near the polls in the ward in which he lives, on primary-election day, for the purpose of calling the attention of the voters to Senator Stephenson's candidacy. Another item was, I think, \$15 paid to Edward Hoffman, of the city of Manitowoc, for the same purpose. That is all that I can add, except to itemize the amounts which I have grouped here; and my itemization of those now would be an estimate, and not a positive statement. I have grouped "letterheads, postage, envelopes, stenographers' fees," etc., and other items.

Mr. LITTLEFIELD. That is, you could separate them approximately, but not specifically?

Mr. BRADY. I can give an estimate, but can not give it specifically.

Senator POMERENE. Have you any desire to change or modify any of the allegations of this affidavit, Exhibit 112?

Mr. BRADY. No, sir.

Mr. LITTLEFIELD. Does the affidavit account for the whole \$700?

Mr. BRADY. Yes; it does.

The CHAIRMAN. The affidavit will be made a part of the record, and will be incorporated into the record. The exhibit will be returned to the superintendent of State property. I desire these statements

to appear in the record in order that we may account for these expenditures.

Mr. LITTLEFIELD. Yes, Mr. Chairman.

(The paper referred to is as follows:)

STATE OF WISCONSIN,

Manitowoc County, ss.

C. E. Brady, being first duly sworn on oath, says that he is a resident of the city of Manitowoc, Manitowoc County, Wisconsin, and is the identical C. E. Brady named on two certain checks or bank drafts heretofore introduced in evidence before the joint primary investigating committee of the Wisconsin Legislature, session of 1909, one of said drafts being for \$500 and one for \$200, and said drafts being for money received by affiant for use in the interest of Senator Isaac Stephenson in the primary election campaign in Manitowoc County.

Said affiant states that he was a supporter of Senator Stephenson for reelection from the time of the announcement of the Senator's candidacy; that the reasons which induced him to support said candidacy were mainly the course pursued by Senator Stephenson with regard to the important legislation of the last session of Congress, and, further, that affiant then believed that the nomination of Senator Stephenson at said primary election would be of benefit to the Republican Party locally in that such nomination would not in any manner accentuate the local differences which existed here and which are generally present in each party in every county, and affiant then believed that such local differences would be increased rather than lessened by the nomination of any one of the other candidates.

Affiant was not at the time of becoming interested in said primary campaign an officer of the Republican county committee of Manitowoc County, and that affiant was later elected chairman of the Republican county committee of said county with full knowledge on the part of many, if not all, of the members of said committee of his convictions with regard to the senatorial contest.

That affiant did not seek said position of county chairman and did not want it, and took it only on the urgent representations made to him that his election would be of the utmost benefit to the party locally; that practically every one of the candidates for county office whom affiant had a chance to interview at and up to said time were favorable to the candidacy of Senator Stephenson and believed with affiant that his nomination would tend to minimize local differences and to solidify the party in the county, and this view was shared by many other prominent Republicans in the city and county, as well as by those referred to.

That during the early part of August affiant received several invitations from E. A. Edmonds and others connected with the Stephenson campaign to visit the Milwaukee headquarters and consult with them in regard to the campaign in Manitowoc County, and in response to said invitations affiant went to Milwaukee and met Mr. Edmonds and others interested in the Stephenson headquarters and consulted with him concerning the management of said campaign.

That affiant then informed Mr. Edmonds that he was doing some work in the interest of Senator Stephenson's candidacy, and that because of the conditions explained above he would interest himself as far as possible in the Senator's candidacy in said county, and affiant then and there stated to Mr. Edmonds that he did not expect and would not accept any compensation of any kind for his said services and that he would not take the responsibility of the management of said campaign, but would work with any other person or persons that Mr. Edmonds might select in the management of said campaign and in the work connected therewith.

That affiant further stated to Mr. Edmonds that he did not wish to handle any money which might be necessary to the work to be done in said county and would much prefer to have Mr. Edmonds make arrangements for the financing of the campaign with some person other than affiant, and that said suggestions were then agreed to by Mr. Edmonds.

That affiant suggested that Mr. A. J. Wyseman and Dr. F. H. Gehbe, both of the city of Manitowoc, were interested in said campaign in said county, and there was a tacit understanding between affiant and Mr. Edmonds that Dr. Gehbe should, from the time of affiant's visit with Mr. Edmonds, assume control of the management of said campaign in said county; that some time

thereafter, and on a date which affiant does not now remember, this affiant received a letter from the Stephenson headquarters in Milwaukee, containing a draft or cashier's check for \$500, with a request that affiant use said money according to his best judgment in promoting the interests of Senator Stephenson in said campaign and in organization work in the county and for work on election day, and that affiant cashed said draft; that affiant thereupon procured from the headquarters in Milwaukee a quantity of campaign literature gotten out in the interest of Senator Stephenson and purchased envelopes in which to distribute the same through the mails and paid the postage thereon, and that affiant further had written more than one thousand personal typewritten letters to Republicans in various sections of said county inviting their support of the candidacy of Senator Stephenson and stating reasons therefor, which said letters were mailed, and the cost of the same, together with letterheads on which they were written and the postage, were paid by affiant out of said sum.

Affiant further had copies of the poll lists in the various precincts in said county made and forwarded to Milwaukee to the managers of the Stephenson campaign there, and also had separate lists of ten or more influential workers in each town and voting precinct in the county made and forwarded to said campaign managers.

That in addition to said work, affiant paid certain telegraph and telephone bills necessarily incidental to the work of said campaign, and also paid all incidental expenses necessary to the promotion of said work, excepting the personal expenses of affiant, out of said fund.

That affiant further paid from said fund the sum of \$20.00 to the Daily News Publishing Company for advertising space, and that included in said bill was a small amount for stationery.

That affiant further paid to William F. Obde the sum of \$40.00 for advertising space on the score cards used during the Manitowoc County Fair, which fair was held during the last week in August.

That affiant expended the balance of said sum of \$500 so received by him in payment to various persons in the different towns, wards, and voting precincts of said county for their time and necessary expenses in investigating conditions in the county and in working in the interest of Senator Stephenson both before said election and at the polls on election day; that the average sum paid to workers so employed by affiant was \$5.00 each for work and expenses on election day and the same sum for their time and expenses on other days on which they were so employed; that this was the amount ordinarily paid by affiant for work of a similar character in every campaign in which he has been interested in said county; and where teams were hired for use, from \$3.00 to \$5.00 per day was allowed for the use of each team.

That affiant kept an account itemized in detail during said campaign, excepting as to the names of workers employed, and that the total sum so expended according to said list was the sum of five hundred and one dollars and some cents, the exact number of which affiant does not now remember.

That after the completion of said campaign and before the thirty-day limit in which candidates should file their expense accounts, said affiant went to Milwaukee and took with him said itemized account, with the intention of delivering the same to Mr. Edmonds, who was then at the Republican State headquarters at Milwaukee; that affiant met Mr. Edmonds in said headquarters, and after a conversation in which the work done in said county and conditions which brought about the result therein had been talked over in a general way, affiant stated to Mr. Edmonds that he had brought down his statement of account with the intention of delivering the same to Mr. Edmonds; that Mr. Edmonds then stated that he had not asked for accounts from those intrusted with the disbursements of money in said campaign, and that he had absolute confidence in the judgment of affiant in the use of said money and was thoroughly satisfied with the manner in which affiant stated that the same had been used, and that he would much prefer to not take affiant's statement of account so long as he had not received such statements from all other persons similarly situated.

That Mr. R. J. White, of the city of Milwaukee, was present during the entire conversation above referred to between affiant and Mr. Edmonds and heard all of the same.

That after affiant's return to Manitowoc, and without his having in mind the contingency of being called upon to render said account to any other person or persons, affiant destroyed said account, together with all papers, letters, and memoranda relative to said primary-election contest; that this was done partly

because it has been a custom of affiant in his political work to not keep any such letters, statements, or memoranda unless there may be some peculiar circumstances requiring the same to be kept, and affiant was then preparing for the campaign preceding the general election and so cleaned out his files so far as the primary-election contest was concerned.

That as nearly as affiant can remember said account, and as nearly as affiant can recollect the facts, the expenditures may be grouped in round numbers as follows:

To letterheads, postage, envelopes, stenographer's fees in writing letters above referred to, and in the making out of the copies of the poll lists and special lists above referred to-----	\$125. 00
To telegraph and telephone bills, postage on a large number of sample ballots mailed out, and all other incidental expenses, excepting affiant's personal expenses-----	50. 00
To advertising on county-fair race program-----	40. 00
To newspapers for advertising space as above stated-----	20. 00
To various persons in the different voting precincts for work at and before said election and to persons sent out on trips in said county in the interest of Senator Stephenson before said primary day-----	265. 00

Of the latter amount, as nearly as affiant can now state, \$100 was expended in the city of Manitowoc and in payment for the time and expenses of two or three men who were sent out on trips into said county, and about \$75.00 was expended in the city of Two Rivers for expenses and time of men who worked in the interest of Senator Stephenson and for their work on election day, and the balance of said sum was placed in the various towns of said county for work on primary-election day.

That affiant kept no list of the men so employed by him in said campaign, and that this has been affiant's custom in every campaign with which he has been connected.

That affiant has been connected officially with every general-election campaign except one in Manitowoc County since 1900, and has been interested in one or more spring campaigns since that time and has handled money in sums on several occasions larger than the above sum and has paid workers and conducted said campaigns in the same manner in which the campaign under investigation was conducted, and that affiant has never kept any list of workers to whom money was paid.

That affiant can not now give a complete list of said workers and can remember but a very few of said workers; that among said names is that of Arthur Crocker, residing in the city of Manitowoc, to whom, as affiant remembers, he paid \$15.00 for two days' work and livery hire and expenses for a trip out through the county; that affiant also remembers having given to David Balkausky an amount of money which affiant believes to have been \$10.00, but which may have been \$15.00, for similar work.

That these are all the names which now occur to affiant, but that the same system was used in the employment of other workers as in those referred to, and no greater compensation was paid any one than the same sum referred to; that every person so employed by affiant was known at the time of such employment to be a supporter of the candidacy of Senator Stephenson, and that so far as affiant knows or has ever been informed not one cent of said money was used for any illegal or illegitimate purpose or for any purpose other than in the payment of said workers for work honestly performed by them in advertising the candidacy of Senator Stephenson and inducing their friends and others to go to the polls and to vote for him on election day.

That said draft for \$200 above mentioned was sent to this affiant from the Stephenson headquarters after the draft for \$500 had been received and without any request being made for the same by this affiant and without affiant having any knowledge that said draft was to be sent.

That affiant immediately communicated with Dr. F. H. Gehbe and stated to him that said draft had been sent to him and endorsed said draft over to Dr. Gehbe without any consideration for the same and immediately notified Mr. Edmonds of affiant's action with regard to said draft.

That affiant never received any part of the money represented by said draft and has no knowledge of what use was made of the same.

That affiant did not ask for and has not received, and has not been promised and does not expect to receive any compensation of any kind or character for his services in said primary campaign, and that affiant did not charge in the

itemized account referred to above any sum or sums for personal expenses during the said campaign; that affiant's personal expenses were small, and that he exhausted the sum in his hands as above stated and the sum of one dollar and a few cents more, and that because of said amount being small, he concluded to not render any bill for the same.

That no part of said sum of \$500, which is being accounted for by affiant, was spent in the interest of either candidate for the assembly from Manitowoc County at said election; that neither of the assemblymen from said county, both of whom were then candidates, had any opposition in his own party at said primary election, and that there was no cause or excuse for the expenditure of any sum of money in the interest of either one, and so far as affiant had anything to do with said campaign funds, none of said funds were expended in any manner in the interest of either candidate.

That affiant, in course of his work in said campaign, had conversations with both Mr. Ledvina and Mr. Wehrein on the subject of the senatorial contest, and that each of said men stated that his position was that he would support the nominee of the primary election for the office of United States Senator.

That at the time affiant became interested in said campaign he believed that because of the conditions existing, Senator Stephenson would carry the county by a large vote, but that later the cheese manufacturers throughout the country districts and the old soldiers and the local company of guards all became strongly interested in the candidacy of Mr. Cook, and were the determining factors, as affiant is informed and believes, in the result as the same was recorded in said county.

That the statement above is as full and complete as affiant can at this time make the same and affiant has no memoranda of any kind or character in his possession which might aid him in making more clear any of the facts referred to above.

That this affidavit is made for the purpose of filing the same with said committee in order to inform them, as well as affiant is able so to do, of affiant's connection with said campaign in Manitowoc County.

C. E. BRADY.

Subscribed and sworn to before me this 15th day of March, 1909.

CLYDE H. SEDGWICK,
Notary Public, Wisconsin.

My com. ex. Apr. 3rd, 1910.

[Notarial seal of Clyde H. Sedgwick, Manitowoc, Wis.]

Mr. LITTLEFIELD. I will ask you, Mr. Brady, whether during the progress of this campaign you paid to any elector, either directly or indirectly, money to be used for the purpose of bribing or corruptly or unlawfully influencing his vote in that primary election in the interest of Senator Stephenson?

Mr. BRADY. No, sir; I did not.

Mr. LITTLEFIELD. Did any of the men to whom you disbursed money for use in the campaign, to your knowledge, use any of the funds thus disbursed to them, either directly or indirectly, for the purpose of bribing or corruptly or unlawfully influencing any electors in that preliminary election in the interest of Senator Stephenson?

Mr. BRADY. No, sir.

Mr. LITTLEFIELD. That is all.

TESTIMONY OF GRANT L. MINER.

GRANT L. MINER, having been previously sworn, testified as follows:

The CHAIRMAN. Mr. Miner, where do you reside?

Mr. MINER. Richland Center, Wis.

The CHAIRMAN. Did you participate in the campaign of Senator Stephenson in the year 1908?

Mr. MINER. I did.

The CHAIRMAN. Did you receive money to be expended in his behalf by you?

Mr. MINER. I did.

The CHAIRMAN. How much?

Mr. MINER. Either \$300 or \$350; I do not recollect just the amount.

The CHAIRMAN. It is charged in the report of the Senate committee (on p. 2249) that you received \$300. What did you do with that money?

Mr. MINER. I paid it out to men in our county to work for Mr. Stephenson.

The CHAIRMAN. What county?

Mr. MINER. Richland County.

The CHAIRMAN. For what services did you pay it?

Mr. MINER. Principally for men at the polls, and teams to get voters to the polls.

The CHAIRMAN. Did you expend any of it for liquors, cigars, or treats?

Mr. MINER. I might have bought some cigars, but nothing else.

The CHAIRMAN. How much do you estimate you might have spent in that way? Any considerable sum?

Mr. MINER. Oh, two or three dollars; something like that.

The CHAIRMAN. When you say you paid it to men to work at the polls, do you mean to get voters out in the manner that has been so frequently described here?

Mr. MINER. Yes, sir.

The CHAIRMAN. Did you pay it to any person for voting for or supporting Senator Stephenson?

Mr. MINER. No, sir.

The CHAIRMAN. How much of it did you pay out?

Mr. MINER. I paid out all but about \$15 or \$20.

The CHAIRMAN. What did you do with that sum?

Mr. MINER. I have it.

The CHAIRMAN. You kept it for your services?

Mr. MINER. No; I did not keep it for my services. I did not render any services to amount to anything. This matter was just a few days before the primaries. They sent me this money, and I did not commence to work until, I think it was, only three or four days before the primaries.

The CHAIRMAN. Did you receive any money after the primary?

Mr. MINER. No.

The CHAIRMAN. That is all.

Senator POMERENE. You were a candidate at the time for nomination for Congress, were you?

Mr. MINER. No. That is another man.

Mr. LITTLEFIELD. That is E. S. Miner?

Mr. MINER. Yes.

The CHAIRMAN. Did you render any statement of your expenses?

Mr. MINER. I did not.

The CHAIRMAN. You have not heretofore testified at all in this investigation, before either committee?

Mr. MINER. This is the first time. They slighted me.

The CHAIRMAN. You only come in by being mentioned in the report of the Senate committee, you being enumerated as one man who received \$300. You received \$300?

Mr. MINER. Yes.

The CHAIRMAN. These witnesses are called in view of the fact that they were given especial mention in the report of the Senate committee.

Senator POMERENE. Were you ever asked for an account?'

Mr. MINER. No, sir.

Senator POMERENE. I do not think I care to inquire further.

Mr. LITTLEFIELD. In about what sums was this money paid out by you, Mr. Miner?

Mr. MINER. From \$5 to \$20.

Mr. LITTLEFIELD. Were any sums paid out by you for any purpose except for the purpose of employing watchers at the polls, and men with teams to get out the vote?

Mr. MINER. There was some for auto hire and livery hire—such things.

Mr. LITTLEFIELD. How much did you pay for auto hire?

Mr. MINER. I could not state; small amounts.

Mr. LITTLEFIELD. But you say the average sum paid for watchers at the polls and for men to get out the vote would be how much per precinct? Could you make any estimate?

Mr. MINER. Practically \$15 or \$20 per precinct.

Mr. LITTLEFIELD. How many precincts did you have?

Mr. MINER. Twenty-two. Some precincts we did not have time to get to at all.

Mr. LITTLEFIELD. Are you able to give to the committee, from your present recollection, the names of any of the men that you employed?

Mr. MINER. Practically all of them.

Mr. LITTLEFIELD. Give the names, please.

Mr. MINER. Coming up here I jotted them down on the back of an envelope [producing envelope].

Mr. LITTLEFIELD. I will say this, if the committee please—

Senator POMERENE. I did not get your question.

Mr. LITTLEFIELD. He says he is able to give the names of practically all of the men to whom he disbursed the fund. I suggest that if the committee feel that it unnecessarily encumbers the record they can simply say they do not care for the names. That will place me in the proper position on the record. Otherwise the witness can give them.

Senator POMERENE. If he has them, let him give the names.

Mr. LITTLEFIELD. Of course the committee appreciate that I want to go as far as I can. Go right along, then, Mr. Miner, and give the list as best you can. Give the amounts, if you can remember them.

Mr. MINER. I have not the amounts.

Senator POMERENE. Have you the dates?

Mr. MINER. No. I can fix the date in this way: This money was sent me, I think, three days before the primaries; and it was paid out between that time and the primaries.

Senator POMERENE. Is that your original memorandum from which you are reading?

Mr. MINER. No. This is something I put down on the train coming here.

Senator POMERENE. You are giving your best recollection?

Mr. MINER. Yes. I know to whom this money was paid.

Mr. LITTLEFIELD. Go right along and give the names.

Mr. MINER. William Brown, L. Pew, William Snyder, N. O. Mason, Bert Eastland, Dr. P. La Schar, David Simson, Cash Collins, Elijah Mayfield, James Sharp, John Dondna, L. C. Wood, Robert Copenheiffer, P. Smith, Daniel Berger, Richard Hampton, Frank Brown. There were a few others besides those that I do not recall.

Senator POMERENE. You can not give the amounts you gave to each of those men, can you?

Mr. MINER. It was from \$5 to \$20.

Mr. LITTLEFIELD. This is a list that you made as you were coming here on the train?

Mr. MINER. Yes, sir.

Mr. LITTLEFIELD. And it gives your best recollection at this time?

Mr. MINER. It does.

Mr. LITTLEFIELD. Was any money expended by you in this campaign for the purpose of either bribing or corruptly or improperly influencing any of the electors in that primary election in the interest of Senator Stephenson?

Mr. MINER. There was not.

Mr. LITTLEFIELD. Was any money used by any of the men to whom you intrusted funds for these purposes, so far as you know, for the purpose of either directly or indirectly bribing or corruptly or unlawfully influencing any electors in that preliminary campaign in the interest of Senator Stephenson?

Mr. MINER. There was not.

Mr. LITTLEFIELD. That is all.

Mr. MINER. Am I excused?

The CHAIRMAN. Mr. Miner is excused.

TESTIMONY OF WALTER ALEXANDER.

WALTER ALEXANDER, having been previously sworn, testified as follows:

The CHAIRMAN. Mr. Alexander, you have been sworn in this case?

Mr. ALEXANDER. Yes, sir.

The CHAIRMAN. Where do you reside?

Mr. ALEXANDER. Wausau.

The CHAIRMAN. In the State of Wisconsin?

Mr. ALEXANDER. Yes, sir.

The CHAIRMAN. What is your occupation?

Mr. ALEXANDER. Lumber manufacturer.

The CHAIRMAN. Have you held public office in this State at any time?

Mr. ALEXANDER. No, sir.

The CHAIRMAN. Did you participate in the campaign of Senator Stephenson before the primaries?

Mr. ALEXANDER. I did.

The CHAIRMAN. Did you receive money from any person representing Senator Stephenson for your participation in that campaign?

Mr. ALEXANDER. I spent my own money in the primary, and later Senator Stephenson gave me a check to reimburse me.

The CHAIRMAN. You received that check directly from Senator Stephenson; did you?

Mr. ALEXANDER. I did.

The CHAIRMAN. What was the amount of it?

Mr. ALEXANDER. \$588.30.

The CHAIRMAN. Had you expended all of that in his interest?

Mr. ALEXANDER. I had.

The CHAIRMAN. What was the nature of your expenditure?

Mr. ALEXANDER. To promote his interests.

The CHAIRMAN. That is general.

Mr. ALEXANDER. I have an itemized list of it.

The CHAIRMAN. Let us have it.

(Mr. Alexander produced a paper.)

The CHAIRMAN. Is this a complete account of the money paid out by you?

Mr. ALEXANDER. It is.

The CHAIRMAN. The persons to whom it was paid, and the purposes for which it was paid?

Mr. ALEXANDER. Yes, sir. I have a separate list in connection with that. Some of that money was paid out by myself. That account was kept by my cashier in the office. Some of the money was paid out by myself, and I have a separate list to account for it.

Mr. LITTLEFIELD. Additional to that?

Mr. ALEXANDER. Additional to that; yes, sir.

The CHAIRMAN. You have a detailed list there; have you?

Mr. ALEXANDER. Yes, sir.

The CHAIRMAN. Let us have that, too.

(Mr. Alexander produced another paper.)

Mr. LITTLEFIELD. Have you duplicates of these? I see they are written on the typewriter.

Mr. ALEXANDER. I have not. I have at home.

The CHAIRMAN. Have you others?

Mr. ALEXANDER. No, sir; I have not.

The CHAIRMAN. These are all of the itemized accounts that you have of the expenditure of that money?

Mr. ALEXANDER. Yes, sir.

The CHAIRMAN. I notice that the first one you handed up is headed, "Statement of expenses of Stephenson primary election campaign in Lincoln and Marathon Counties."

Mr. ALEXANDER. Yes, sir.

The CHAIRMAN. In August, September, and October, 1908. That money was expended in those months?

Mr. ALEXANDER. The dates are there, and the payments.

The CHAIRMAN. This paper will be marked "Exhibit 1" in connection with your testimony, and the second paper will be marked "Exhibit 2." The second paper is entitled "Statement of cash items drawn and expended by Walter Alexander." That was in the Stephenson campaign also, in the months of August, September, and October?

Mr. ALEXANDER. Yes, sir.

The CHAIRMAN. The items amounting to \$327 on Exhibit 2 are contained in the items on Exhibit 1; are they?

Mr. ALEXANDER. Yes, sir.

The CHAIRMAN. So that these two exhibits are for the same money?

Mr. ALEXANDER. Yes, sir.

The CHAIRMAN. I notice you have entered here, as paid to Walter Alexander, that sum of \$327 in cash. Was that paid to you?

Mr. ALEXANDER. It was paid to myself.

The CHAIRMAN. For what did you expend that money?

Mr. ALEXANDER. I expended it in the interest of Senator Stephenson for the purpose of hiring teams, bringing voters to the polls, workers at the polls, and I guess that is all. That will cover it.

The CHAIRMAN. I notice that some of these expenditures were after the primary. On September 2 there is this item: "Frank Gendron, expenses, bill of Louis Rutzky, \$6.50." What services were those?

Mr. ALEXANDER. Those were some men that I had engaged, and I paid them after the primaries. They were men that I had engaged at the polls. After the election they came in, and I paid them.

The CHAIRMAN. This was for services performed before the primary?

Mr. ALEXANDER. Yes; or on the day of election.

The CHAIRMAN. On September 2 there is this item: "Walter Alexander, cash, \$5." What is that item for?

Mr. ALEXANDER. That was what I paid to some worker.

The CHAIRMAN. When was the work done?

Mr. ALEXANDER. It was done during the primary election.

The CHAIRMAN. On the 2d there is another item to Walter Alexander: "Cash, \$1." What was that for?

Mr. ALEXANDER. That was paid to a boy for distributing literature.

The CHAIRMAN. That was for services rendered before the primaries?

Mr. ALEXANDER. Before the primaries.

The CHAIRMAN. I notice here this item: "Louis Johns, expenses, hanging lithographs, distributing circulars, etc." That was all before the primary; was it?

Mr. ALEXANDER. He spent a week in Lincoln County distributing literature and posting up the Senator's lithographs.

The CHAIRMAN. What I am trying to get at, Mr. Alexander, is whether or not any of this money that you paid out up to October 31 was paid for anything done after the primary election?

Mr. ALEXANDER. No, sir.

The CHAIRMAN. These were left-over bills; were they?

Mr. ALEXANDER. Left-over bills; yes, sir.

The CHAIRMAN. These exhibits will go in the record.

(The exhibits referred to are as follows:)

EX. ALEXANDER No. 1.—OCT. 19. 1911.

Statement of expenses of Stephenson primary election campaign in Lincoln and Marathon Counties.

1908.

Aug.	12. George A. Bullion, posting lithographs.....	\$6. 50
	12. George A. Bullion, expenses.....	2. 00
	15. W. W. Thayer, town of Easton.....	10. 00
	17. William Gross, expenses.....	25. 00
	17. Stickers and tacks.....	. 35
	21. A. C. Thompson—Merrill Advocate.....	25. 00
	21. A. Kickbusch Grocery Co., cigars.....	2. 50
	25. Walter Alexander, cash.....	50. 00
	25. Walter Alexander, cash.....	20. 00
	25. William Beck, town of Easton.....	5. 00
	27. Walter Alexander, cash.....	50. 00
	28. Walter Alexander, cash.....	50. 00
	29. Walter Alexander, cash.....	20. 00
	31. Walter Alexander, cash.....	50. 00
	31. Walter Alexander, cash.....	50. 00

1908

Sept.	2. Frank Gendron, expenses, bill of Louis Rutzky	\$6.50
	2. Walter Alexander, cash	5.00
	2. Walter Alexander, cash	1.00
	3. Louis Gross	3.00
	4. Walter Alexander, cash	5.00
	4. Walter Alexander, cash (Fred)	7.00
	7. Louis Johns, expenses hanging lithographs, distributing circulars, etc.	28.25
	8. Check to Frank McReynolds, paid by him to men working at polls	10.00
	8. William Reinecke	3.00
	12. Paul F. Stolze, printing Stephenson announcements	5.00
	12. Check to John Van Hecke, for cash paid by him to men working previous to election day and at polls	22.50
	12. August Hintze	3.00
	14. Jake	5.00
	16. George A. Bullion, work at polls	5.00
	21. Check to C. N. Johnson, for cash paid by him for labor posting bills, \$2.00; hanging lithographs, \$1.50; distributing Free Press, \$4.00; express on lithographs, \$.45; two men working at polls on election day, at \$5.00 per day each, \$10.00	17.95
	21. Check sent to L. N. Anson, to pay expenses incurred by G. M. Anson, as follows: Wisconsin Thalbote, advertising, \$20.00; two men working at polls, at \$3.00 each, \$6.00	26.00
	26. George H. Penke	5.00
Oct.	2. Walter Alexander, cash (Charlie Revie, town of Texas)	8.00
	7. S. C. Sawyer, livery bill	3.00
	27. Walter Alexander, cash	6.00
	27. Paid barn man for working in place of William Gross	10.00
	27. Walter Alexander, cash	20.00
	27. Mathie Brewing Company	16.75
		588.30
Oct.	31. By check from Senator Stephenson	588.30

EX. ALEXANDER No. 2—OCT. 19, 1911.

Statement of cash items drawn and expended by Walter Alexander.

1908.

Aug.	25. Cash	\$50.00
	25. Cash	20.00
	27. Cash	50.00
	28. Cash	50.00
	29. Cash	20.00
	31. Cash	50.00
	31. Cash	50.00
Sept.	2. Cash	5.00
	2. Cash	1.00
	4. Cash	5.00
Oct.	27. Cash	6.00
	27. Cash	20.00
	Total	327.00

E. J. Rifleman	55.00
E. J. Rifleman for two trips into country	10.00
Joe Wagner, for team	5.00
William Rifleman	10.00
Carl Scheve	5.00
Albert Wendorf, town of Stettin	7.50
Anton Lepak	5.00
Fred Damon, city of Wausau	10.00

Walter Androski, Knowlton	\$5. 00
Adam Feit, Knowlton	10. 00
Henry Vogt, town of Hamburg	15. 00
Herman Schwantes, town of Maine	10. 00
Dave Burnett, town of Kronenwetter	5. 00
Carl Hahn, town of Wausau	5. 00
Fred Dumde, town of Wausau	6. 00
Louis Mortenson, town of Hewitt	10. 00
Frank Aldridge, town of Hewitt	5. 00
Jake Holsman, town of Hewitt	7. 50
Phillip Drumm, city of Wausau	12. 50
William Felbaum, city of Wausau	5. 00
Andrew Larson, city of Wausau	10. 00
Mosinee Times	10. 00
Mike Boruk, town of Maine	6. 00
Frank Gendron, city of Wausau	5. 00
Frank Fara, city of Wausau	5. 00
George Roenick	5. 00
Record-Herald Company, sample ballots	8. 25
Phillip Menzner	10. 00
Robert Gahnz	5. 00
Fred Paulus, town of Wausau	5. 00
Herman Prahl, town of Wausau	5. 00
Balance not accounted for	49. 25

327. 00

Senator POMERENE. Did you render to Senator Stephenson an itemized statement of these expenditures?

Mr. ALEXANDER. No, sir; I did not.

Senator POMERENE. You just gave him the total amount?

Mr. ALEXANDER. The total amount.

Senator POMERENE. And he sent you a check?

Mr. ALEXANDER. He sent me a check.

Senator POMERENE. And you never furnished any statement to any of his campaign managers, or to him?

Mr. ALEXANDER. No, sir. I had no connection with the campaign managers.

Senator POMERENE. And no request was ever made for it?

Mr. ALEXANDER. No, sir.

Senator POMERENE. By anyone?

Mr. ALEXANDER. No, sir.

Mr. LITTLEFIELD. Will you be kind enough to give your age, please? I should like to have it appear in the record.

Mr. ALEXANDER. Sixty-two.

Mr. LITTLEFIELD. State whether or not you have been an acquaintance of Senator Stephenson's for a long while?

Mr. ALEXANDER. I have, for many years.

Mr. LITTLEFIELD. For about how long?

Mr. ALEXANDER. Over 25 years.

Mr. LITTLEFIELD. Have you been associated with him, directly or indirectly, in business?

Mr. ALEXANDER. No, sir; not in business.

Mr. LITTLEFIELD. But you have known him a long while?

Mr. ALEXANDER. Yes, sir.

Mr. LITTLEFIELD. Your business is that of a manufacturer of lumber?

Mr. ALEXANDER. Yes, sir.

Mr. LITTLEFIELD. How many precincts were there in this county that you were looking out for?

Mr. ALEXANDER. There are 60 precincts in Marathon County and 26 precincts in Lincoln County.

Mr. LITTLEFIELD. Did you cover both counties?

Mr. ALEXANDER. I covered both counties.

Mr. LITTLEFIELD. Lincoln and Marathon?

Mr. ALEXANDER. Lincoln and Marathon. I do not think there was any other money spent in either of those counties except what I spent myself.

Mr. LITTLEFIELD. State whether or not the exhibits that you have produced here are made up of items taken from the books of your concern.

Mr. ALEXANDER. Yes, sir.

Mr. LITTLEFIELD. So that every one of these transactions is a matter of record upon the books of your company?

Mr. ALEXANDER. A memorandum book that I have with me.

Mr. LITTLEFIELD. You have the memorandum book with you?

Mr. ALEXANDER. Yes, sir.

Mr. LITTLEFIELD. Exhibit 1, which begins "August 12" and aggregates \$588.30, comes from the books of the company?

Mr. ALEXANDER. Yes, sir.

Mr. LITTLEFIELD. And the detail found on Exhibit 2, beginning "E. J. Rifleman, \$55," and aggregating \$327, you have on a memorandum book that you have with you?

Mr. ALEXANDER. No, sir; I have not that memorandum book. I have the original memorandum.

Mr. LITTLEFIELD. The original of this?

Mr. ALEXANDER. Yes.

Mr. LITTLEFIELD. Where do these items come from?

Mr. ALEXANDER. The items that were charged to me in that account I expended. They are accounted for here.

Mr. LITTLEFIELD. They appear on the books of the company, do they?

Mr. ALEXANDER. No, sir; they do not appear on the regular company's books. They were simply kept on a memorandum book that we had in the office.

Mr. LITTLEFIELD. But your cashier kept them?

Mr. ALEXANDER. Yes; my cashier kept them.

Mr. LITTLEFIELD. So that a regular account was kept of all these disbursements?

Mr. ALEXANDER. Absolutely.

Mr. LITTLEFIELD. And you have presented to the committee the results of that account?

Mr. ALEXANDER. Yes, sir.

Mr. LITTLEFIELD. Was any money expended by you in this campaign, either directly or indirectly, for the purpose of bribing or corruptly or unlawfully influencing any electors in the primary election in the interest of Senator Stephenson?

Mr. ALEXANDER. No, sir.

Mr. LITTLEFIELD. Was any money expended by any of the men to whom you entrusted funds in connection with the organizing of the campaign, to your knowledge, for the purpose of either directly or

indirectly bribing or corruptly or unlawfully influencing electors in the primary election in the interest of Senator Stephenson?

Mr. ALEXANDER. No, sir.

Mr. LITTLEFIELD. Were you elected a delegate to the Republican National Convention three years ago?

Mr. ALEXANDER. Yes, sir.

Mr. LITTLEFIELD. In 1908?

Mr. ALEXANDER. Yes, sir.

Mr. LITTLEFIELD. And were you the only Taft Republican elected in the State?

Mr. ALEXANDER. I was the only Taft delegate.

Mr. LITTLEFIELD. You were the only Taft delegate in the whole State of Wisconsin? That is all.

The CHAIRMAN. The witness is excused.

TESTIMONY OF H. L. PETERSON.

H. L. PETERSON, having been previously sworn, testified as follows:

The CHAIRMAN. You are Mr. H. L. Peterson?

Mr. PETERSON. Yes, sir.

The CHAIRMAN. You have been sworn in this case?

Mr. PETERSON. Yes, sir.

The CHAIRMAN. Where do you reside?

Mr. PETERSON. Sturgeon Bay, Wis.

The CHAIRMAN. You are an elector of the State of Wisconsin?

Mr. PETERSON. Yes, sir.

The CHAIRMAN. You participated in the campaign for Senator Stephenson in 1908?

Mr. PETERSON. I did.

The CHAIRMAN. You received the sum of \$150 from Senator Stephenson, did you?

Mr. PETERSON. I did.

The CHAIRMAN. Was that all you received?

Mr. PETERSON. To my knowledge; yes, sir.

The CHAIRMAN. What did you do with that \$150?

Mr. PETERSON. I expended it to further the interests of Mr. Stephenson.

The CHAIRMAN. How did you further his interests?

Mr. PETERSON. In the way of canvassing the county.

The CHAIRMAN. Did you circulate his petitions?

Mr. PETERSON. Yes, sir.

The CHAIRMAN. You received that sum on August 17. You may tell what you did in the way of furthering the interests of Senator Stephenson.

Mr. PETERSON. To start in with I sent out and got in a great number of signers for his nomination papers, sent in a large number of nomination papers, made an automobile trip throughout the county of Door, employed workers in some instances, and hired rigs to get voters out to his election.

Senator POMERENE. That amount was \$150?

Mr. PETERSON. \$150; yes, sir.

The CHAIRMAN. It appears in Senator Stephenson's statement at page 37.

Senator POMERENE. Yes.

The CHAIRMAN. Did you pay any of that money to voters for the purpose of securing their votes for Senator Stephenson?

Mr. PETERSON. I do not quite get the drift of that question.

The CHAIRMAN. Did you pay any of that sum of money to voters in order to induce them to vote for Senator Stephenson?

Mr. PETERSON. No, sir. I neglected to add, there, that with a part of that I had posters circulated. Mr. Stephenson sent me a large box of posters, and I had those distributed, and paid boys and men to send them out, and also mailed some literature.

The CHAIRMAN. I have no further questions.

Senator POMERENE. Did you ever render any account for this?

Mr. PETERSON. I did not.

Senator POMERENE. You gave to the Senator the total amount expended, did you?

Mr. PETERSON. The Senator sent that amount, and I expended it. It was sent to me in advance.

Senator POMERENE. Did you keep a memorandum of what you had expended?

Mr. PETERSON. I did.

Senator POMERENE. Have you it?

Mr. PETERSON. I have not. After the primaries I destroyed it.

Senator POMERENE. You expended it all in the way you have indicated; and you rendered no account of what you expended, and were not requested to render any?

Mr. PETERSON. No, sir. I will say that in the county of Door there are 14 towns, and 4 precincts in the city; and I visited all of them, and in a great number of instances made arrangements for workers at the polls and getting out rigs.

Senator POMERENE. What is the name of your county?

Mr. PETERSON. Door.

Senator POMERENE. That is all.

Mr. LITTLEFIELD. In the absence of the memorandum that you made at the time, are you able now to give the names of any of the men that you employed?

Mr. PETERSON. I employed very few. The most of the money was expended in making a canvass of the county, and small amounts were left in various towns.

Mr. LITTLEFIELD. Do you remember the names of any of the men that you did employ?

Mr. PETERSON. No; I do not.

Mr. LITTLEFIELD. Did you employ men to canvass the county, or did you do the most of that work yourself?

Mr. PETERSON. I did a big part of it myself. The men in the northern part of the county whom I employed were recommended to me by some one. I was not personally acquainted with him. I mean the workers at the polls, you understand. They were recommended to me by men whom I knew to be good.

Mr. LITTLEFIELD. How much time did you yourself spend in the work?

Mr. PETERSON. I spent considerable time, off and on, during the campaign. I made several trips throughout the county.

Mr. LITTLEFIELD. About how long were you engaged in each trip?

Mr. PETERSON. It would mean a day north; each trip would mean

two days around the county. I possibly spent, in all, six days with an automobile.

Mr. LITTLEFIELD. In the trips?

Mr. PETERSON. In the trips.

Mr. LITTLEFIELD. Did you hire a machine, or did you own one?

Mr. PETERSON. I owned one.

Mr. LITTLEFIELD. You took your own machine?

Mr. PETERSON. Yes, sir.

Mr. LITTLEFIELD. And drove it yourself, I suppose?

Mr. PETERSON. I drove it myself, and usually had a load of friends along.

Mr. LITTLEFIELD. And literature?

Mr. PETERSON. And literature; yes, sir.

Mr. LITTLEFIELD. Did you employ men for the purpose of circulating literature?

Mr. PETERSON. I did.

Mr. LITTLEFIELD. And posting bills?

Mr. PETERSON. Yes, sir.

Mr. LITTLEFIELD. Are you able to remember now the names of any of these men or the detailed amounts you gave to them?

Mr. PETERSON. No; they were all small amounts.

Mr. LITTLEFIELD. Was the full sum of \$150 expended for the purposes you have described?

Mr. PETERSON. It was; yes, sir; and a little over. There were some bills that came in after the primaries were over that I paid out of my own pocket.

Mr. LITTLEFIELD. And do I understand that for those you called on the Senator or his representatives for reimbursement?

Mr. PETERSON. I have not; no, sir.

Mr. LITTLEFIELD. How much did they aggregate?

Mr. PETERSON. Oh, it was not much; possibly \$17; I think \$17.

Mr. LITTLEFIELD. Fifteen or twenty dollars?

Mr. PETERSON. Yes.

Mr. LITTLEFIELD. While you have already answered, I wish to put the question more specifically to you: Did you expend any money in this campaign, either directly or indirectly, for the purpose of bribing or corruptly or improperly influencing any electors in that primary campaign in the interest of Senator Stephenson?

Mr. PETERSON. No, sir.

Mr. LITTLEFIELD. Was any money expended by any of the men to whom you intrusted money for the uses you have described, to your knowledge, either directly or indirectly, for the purpose of bribing or corruptly or unlawfully influencing any electors in that election in the interest of Senator Stephenson?

Mr. PETERSON. No, sir.

Mr. LITTLEFIELD. That is all.

The CHAIRMAN. That is all. You are excused.

TESTIMONY OF L. S. PATRICK.

L. S. PATRICK, having been previously sworn, testified as follows:

The CHAIRMAN. Mr. Patrick, you have been sworn?

Mr. PATRICK. Yes, sir.

The CHAIRMAN. You are the private secretary of Senator Stephenson?

Mr. PATRICK. No, sir.

The CHAIRMAN. You were, were you?

Mr. PATRICK. Not recently.

The CHAIRMAN. Were you ever?

Mr. PATRICK. Yes, sir.

The CHAIRMAN. Were you in 1908?

Mr. PATRICK. No, sir.

The CHAIRMAN. On page 47 of the testimony given by Senator Stephenson I find reference to a check for \$190.99 given to you. Do you know anything about it?

Mr. PATRICK. I could not tell you anything particularly about it. I think that was a settlement with the Senator for expenditures I made during the entire year.

The CHAIRMAN. Had it any connection with Senator Stephenson's campaign?

Mr. PATRICK. Part of it may have had.

The CHAIRMAN. Give us the fact. Did it?

Mr. PATRICK. I think so.

Mr. LITTLEFIELD. What is the amount of that check, if the chairman please?

The CHAIRMAN. \$190.99. Did you pay out any of that money on behalf of Senator Stephenson?

Mr. PATRICK. I paid some, I think, for postage, and some for traveling expenses.

The CHAIRMAN. How much?

Mr. PATRICK. That I could not tell you just now. I have no memorandum of it.

The CHAIRMAN. Did you pay it for any other purposes than either postage or traveling expenses?

Mr. PATRICK. No, sir.

The CHAIRMAN. Did you receive any other money from Senator Stephenson for campaign purposes?

Mr. PATRICK. No, sir.

The CHAIRMAN. Or from his campaign managers?

Mr. PATRICK. No, sir.

The CHAIRMAN. That is all.

Mr. LITTLEFIELD. That is all.

TESTIMONY OF L. H. STEVENS.

L. H. STEVENS, having been previously sworn, testified as follows:

The CHAIRMAN. Mr. Stevens, where do you reside?

Mr. STEVENS. Lancaster, Wis.

The CHAIRMAN. How long have you resided there?

Mr. STEVENS. Four years.

The CHAIRMAN. Did you reside there in 1908?

Mr. STEVENS. Yes, sir.

The CHAIRMAN. In what business were you engaged?

Mr. STEVENS. Banking.

The CHAIRMAN. Did you participate in Senator Stephenson's campaign for the United States Senate in 1908?

Mr. STEVENS. I did.

The CHAIRMAN. Did you receive money from any person for your participation in that campaign?

Mr. STEVENS. I did.

The CHAIRMAN. How much?

Mr. STEVENS. I am not sure in the matter; I think about, all told, \$900.

The CHAIRMAN. From whom did you receive it?

Mr. STEVENS. Mr. Edmonds.

The CHAIRMAN. Did you receive it personally or was it sent to you?

Mr. STEVENS. I am inclined to think it was all sent to me.

The CHAIRMAN. When did you receive the first sum of money?

Mr. STEVENS. I can not give you the dates.

The CHAIRMAN. Did you keep an account of it?

Mr. STEVENS. No.

The CHAIRMAN. You are a banker?

Mr. STEVENS. Yes, sir.

The CHAIRMAN. You were then?

Mr. STEVENS. Yes, sir.

The CHAIRMAN. Do you not keep books?

Mr. STEVENS. Yes, sir.

The CHAIRMAN. Do you not enter in those books the moneys you receive and pay out?

Mr. STEVENS. There are certain transactions that have always been carried with us as spindle items—that is, just transient—where they do not go through the books. This was one of them.

The CHAIRMAN. Is that determined by the character or by the amount of the item?

Mr. STEVENS. By the character.

The CHAIRMAN. Just give us an enumeration of the items that are not entered upon your books, representing business transactions with you or your bank.

Mr. STEVENS. A man will come in and leave \$20 for somebody that he owes who does not have any account with us and who probably will come in that day or the next day.

The CHAIRMAN. Where would you enter it?

Mr. STEVENS. That would be put on the spindles.

The CHAIRMAN. What do you mean by "spindles"? That name has no recognized significance in business, has it?

Mr. STEVENS. I do not know how to explain it so that you will understand it.

The CHAIRMAN. Tell the facts; we will understand them.

Mr. LITTLEFIELD. What is a spindle?

Mr. STEVENS. A man comes in with a credit or a debit, and if he comes in with a check it is put on a spindle preparatory to booking up.

Mr. LITTLEFIELD. What is a spindle?

The CHAIRMAN. Just let me trace this down, please.

Mr. LITTLEFIELD. Excuse me.

The CHAIRMAN. I am in the pursuit of that information. I want you to tell me what you mean by a spindle. Is it a mechanical device or is it a sort of entry in books?

Mr. STEVENS. It is a mechanical device for hanging slips on the counter preparatory to booking up—preparatory to the night's work.

The CHAIRMAN. You first enter it upon a piece of paper, do you not?

Mr. STEVENS. Yes.

The CHAIRMAN. And then you put that piece of paper upon this "spindle," as you call it?

Mr. STEVENS. Yes, sir.

The CHAIRMAN. Is that right?

Mr. STEVENS. Yes, sir.

The CHAIRMAN. Where did you enter the items of money that you received in the Stephenson campaign—on a piece of paper?

Mr. STEVENS. I carried that in cash in my pocket.

The CHAIRMAN. Did you enter it on any piece of paper?

Mr. STEVENS. No.

The CHAIRMAN. None of it?

Mr. STEVENS. No.

The CHAIRMAN. When you received it in the shape of a draft or cashier's certificate, who cashed it?

Mr. STEVENS. I did.

The CHAIRMAN. You deposited it, then, in your bank, did you?

Mr. STEVENS. No.

The CHAIRMAN. You cashed it in your bank, did you?

Mr. STEVENS. Yes.

The CHAIRMAN. That is, you exchanged it for cash out of your till, did you?

Mr. STEVENS. Yes, sir.

The CHAIRMAN. Where did you put the cash?

Mr. STEVENS. In my pocket.

The CHAIRMAN. Where did you put the draft?

Mr. STEVENS. It went through the day's work into the remittance we were sending to the bank.

The CHAIRMAN. You must have collected it, I presume, did you not?

Mr. STEVENS. Certainly.

The CHAIRMAN. What did you do with it?

Mr. STEVENS. I sent it to Chicago or Milwaukee for collection.

The CHAIRMAN. You entered it in a book, did you not?

Mr. STEVENS. Yes.

The CHAIRMAN. When you entered that draft in a book, did you indicate from whom you received it?

Mr. STEVENS. The number, from whom it was received—the whole record of the draft is kept.

The CHAIRMAN. Yes; that would show that it was received from you, would it not, on your books—that your bank received that draft from you?

Mr. STEVENS. Yes.

The CHAIRMAN. Certainly. You indorsed the draft?

Mr. STEVENS. Yes.

The CHAIRMAN. You indorsed each of these drafts as you received it?

Mr. STEVENS. Yes.

The CHAIRMAN. And you entered upon the books of the bank as received from you the amount of these drafts?

Mr. STEVENS. Yes, sir.

The CHAIRMAN. Does that appear in the books that you now have in the bank?

Mr. STEVENS. Yes, sir.

The CHAIRMAN. Then you could tell exactly, could you not, when you received it and the amount that you received?

Mr. STEVENS. Yes, sir; I can tell exactly.

The CHAIRMAN. Did you bring any memorandum of those facts with you here?

Mr. STEVENS. No.

The CHAIRMAN. You knew you were coming to testify in this case, did you not?

Mr. STEVENS. Yes, sir.

The CHAIRMAN. And that you would be called upon to account for this money. You were fully advised of that, were you not?

Mr. STEVENS. Yes.

The CHAIRMAN. Why did you not bring the memorandum with you?

Mr. STEVENS. I did not think it was necessary.

The CHAIRMAN. You did not think what?

Mr. STEVENS. I did not think it was necessary.

The CHAIRMAN. You did not think it necessary to bring the original evidence of the facts about which you were called to testify? Is that right?

Mr. STEVENS. Yes, sir.

The CHAIRMAN. Did you desire to be sent back after it?

Mr. STEVENS. I can get it.

The CHAIRMAN. Yes; but did you have an idea, when you left home without this information, that you would be sent back to get it?

Mr. STEVENS. No; I did not.

The CHAIRMAN. You have testified before in this case, have you not—before a committee of the legislature of the State?

Mr. STEVENS. Yes, sir.

The CHAIRMAN. Did you not know that you would be inquired of regarding these things?

Mr. STEVENS. I did not think that would be called for.

The CHAIRMAN. What did you do with this money?

Mr. STEVENS. I spent it in promoting or working for Senator Stephenson in the primary campaign.

The CHAIRMAN. When did you spend it?

Mr. STEVENS. I spent all of it before primary day.

The CHAIRMAN. When did you expend the money received on August 5?

Mr. STEVENS. That was a draft for \$28, was it?

The CHAIRMAN. Yes; \$28.92.

Mr. STEVENS. \$28.92—that was for some small expenditures that I had made in going over the county and a trip to Milwaukee.

The CHAIRMAN. When did you commence to support Senator Stephenson?

Mr. STEVENS. About the 1st of August.

The CHAIRMAN. Whom were you supporting during the month of July?

Mr. STEVENS. I had not supported anybody.

The CHAIRMAN. You had announced your intention to support somebody, had you not?

Mr. STEVENS. No.

The CHAIRMAN. Are you quite sure of that?

Mr. STEVENS. Yes.

The CHAIRMAN. Were you not talking in favor of another candidate in June and the first half of July?

Mr. STEVENS. No.

The CHAIRMAN. To no one?

Mr. STEVENS. No.

The CHAIRMAN. Who was the first man that came to see you about supporting Mr. Stephenson?

Mr. STEVENS. Edward McMahon.

The CHAIRMAN. The man that testified here?

Mr. STEVENS. Yes.

The CHAIRMAN. Did you tell him, when he first spoke to you in regard to Senator Stephenson's candidacy, that you were supporting Senator Stephenson?

Mr. STEVENS. I do not remember.

The CHAIRMAN. Did you read or hear his testimony?

Mr. STEVENS. No.

The CHAIRMAN. Have you been advised as to his statement in that regard?

Mr. STEVENS. No.

The CHAIRMAN. And you have no recollection as to whether or not you were supporting Senator Stephenson prior to that conversation?

Mr. STEVENS. I was not interested in the campaign to speak of.

The CHAIRMAN. What do you mean by being "interested"?

Mr. STEVENS. There were four candidates.

The CHAIRMAN. Was not your interest a patriotic one?

Mr. STEVENS. Yes.

The CHAIRMAN. When did patriotism first begin to burn in your breast? Just give us the answer.

Mr. STEVENS. I could not tell you.

The CHAIRMAN. When did you first feel an interest in Senator Stephenson's political campaign?

Mr. STEVENS. I had favored him for the short term previous to this six-year term.

The CHAIRMAN. That was not my question. I am referring to the campaign of 1908, and have directed your attention to it. When in that campaign did you first favor or express yourself in favor of Senator Stephenson as a candidate for the United States Senate?

Mr. STEVENS. I do not know.

The CHAIRMAN. Was it before or after Mr. McMahon's visit to you?

Mr. STEVENS. I do not know.

The CHAIRMAN. Had you ever expressed yourself in favor of Senator Stephenson prior to that time?

Mr. STEVENS. I do not know.

The CHAIRMAN. Who does know?

Mr. STEVENS. I do not know.

The CHAIRMAN. We will make this suggestion to you, Mr. Stevens: The committee will not be content with your answers that you do not know things that you obviously ought to know; and I should recommend that you find some way of advising yourself. Now I

will repeat those questions, in order that you may have an opportunity to answer them candidly. Had you ever advocated or spoken in favor of the nomination of Senator Stephenson before Mr. McMahon's visit to you?

Mr. STEVENS. Mr. Chairman, I was not in politics at all.

The CHAIRMAN. That is not an answer to the question. The committee will require you to answer that question.

Mr. STEVENS. What is the question?

(The reporter read the pending question.)

The CHAIRMAN. Answer that question.

Mr. STEVENS. I do not know how to answer it.

The CHAIRMAN. It can be answered by "yes" or "no." You are one of the witnesses that refused to go before the legislative committee, and had to be cited for contempt, are you not?

Mr. STEVENS. I appeared.

The CHAIRMAN. You are now before a committee with authority to compel you to testify, and it is going to do it. That authority is as wide as the United States. Now answer the question.

Mr. STEVENS. I did not do any work for Senator Stephenson before Mr. McMahon came there.

The CHAIRMAN. Had you announced to anyone that you were going to support Senator Stephenson?

Mr. STEVENS. No.

The CHAIRMAN. So you can answer. When Mr. McMahon visited you you had a conversation with reference to securing certain State deposits under the laws of the State of Wisconsin. Did you make that a condition precedent to your support of Senator Stephenson?

Mr. STEVENS. No, sir.

The CHAIRMAN. Did you, through the intercession of Mr. McMahon or any other person than yourself, secure State deposits after the conversation with Mr. McMahon?

Mr. STEVENS. Yes, sir.

The CHAIRMAN. When did you get that order?

Mr. STEVENS. I think it was in February, 1909.

The CHAIRMAN. How did you get it?

Mr. STEVENS. I asked Mr. McMahon to help me. I asked Mr. Edmonds to help me. I had my father help me. And I had the man who was an assemblyman at the time Treasurer Dahl was in the assembly go to Madison and interview the committee.

The CHAIRMAN. What committee?

Mr. STEVENS. The committee on State depositories.

The CHAIRMAN. Who was the assemblyman?

Mr. LITTLEFIELD. I was just going to ask him that.

Mr. STEVENS. J. P. Chandler.

The CHAIRMAN. Do you mean that you had all of these men whose names you have given go and interview the State committee having charge of giving out the deposits?

Mr. STEVENS. No. Mr. Chandler, the assemblyman, went with me; but these other men used their influence and worked to help me secure the State depository.

The CHAIRMAN. Name the men again that did that.

Mr. STEVENS. There was Mr. McMahon, Mr. Edmonds, my father, and Mr. Chandler.

The CHAIRMAN. When did you first know Mr. Edmonds?

Mr. STEVENS. In August, 1908.

The CHAIRMAN. You had never known him before the visit of Mr. McMahon, had you?

Mr. STEVENS. No.

The CHAIRMAN. You came to Milwaukee, pursuant to the conversation you had with McMahon, to see Mr. Edmonds in regard to getting you these deposits, did you?

Mr. STEVENS. Yes, sir.

The CHAIRMAN. What did Mr. Edmonds tell you?

Mr. STEVENS. Let me have that question again.

(The reporter read as follows:)

The CHAIRMAN. You came to Milwaukee, pursuant to the conversation you had with McMahon, to see Mr. Edmonds in regard to getting you these deposits, did you?

Mr. STEVENS. Yes, sir.

Mr. STEVENS. That is a mistake. He wanted me to come in and talk over the Stephenson matter with him. It was not with regard to securing the deposits.

The CHAIRMAN. Did you take up with Mr. Edmonds while you were here the question of getting these deposits?

Mr. STEVENS. Yes, sir.

The CHAIRMAN. In connection with the talk in regard to the Stephenson campaign?

Mr. STEVENS. It was at the same time.

The CHAIRMAN. It was the same conversation?

Mr. STEVENS. Yes.

The CHAIRMAN. That, you say, was early in August?

Mr. STEVENS. Yes, sir.

The CHAIRMAN. Who was present besides Mr. Edmonds when you talked it over?

Mr. STEVENS. I do not know that there was anybody else.

The CHAIRMAN. Do you still have that class of deposits from the State?

Mr. STEVENS. No.

The CHAIRMAN. How long did you continue to receive those deposits?

Mr. STEVENS. Until last January.

The CHAIRMAN. Under what conditions was the arrangement terminated—under what circumstances?

Mr. LITTLEFIELD. That is, the deposits withdrawn?

The CHAIRMAN. Yes; that is what I want to know.

Mr. LITTLEFIELD. Under what conditions were the deposits withdrawn?

Mr. STEVENS. The deposit was withdrawn as soon as Gov. McGovern took his chair.

(Whereupon, at 12 o'clock and 35 minutes p. m., the subcommittee took a recess until 2 o'clock p. m.)

AFTER RECESS.

The recess having expired, the subcommittee reassembled.

The names of R. J. Shields, Elmer E. Haight, and Silas A. Towne were called.

Mr. Haight and Mr. Towne responded to their names, and the oath was administered to them by the chairman.

TESTIMONY OF L. H. STEVENS—Resumed.

The CHAIRMAN. What amount of money did you receive on deposit by reason of the arrangement to which you have testified?

Mr. STEVENS. About \$20,000.

The CHAIRMAN. Can you tell when you received the first deposit?

Mr. STEVENS. Some time about the middle of February, 1909, I think.

The CHAIRMAN. Have you ever held any office in the State of Wisconsin?

Mr. STEVENS. Never.

The CHAIRMAN. Were you at Madison during the senatorial contest in the legislature?

Mr. STEVENS. Yes.

The CHAIRMAN. During most of the time?

Mr. STEVENS. I spent two days there.

The CHAIRMAN. What days were those?

Mr. STEVENS. The day that I was summoned to appear, and the next day.

The CHAIRMAN. Were you there on the 4th of March, when Senator Stephenson was elected?

Mr. STEVENS. No, sir.

The CHAIRMAN. What day were you there?

Mr. STEVENS. I was there when the investigation was going on. I could not tell you the date.

The CHAIRMAN. You do not know when Senator Stephenson was elected, do you?

Mr. STEVENS. No, sir.

The CHAIRMAN. Did you have any conversation with members of the legislature in regard to the election of a United States Senator?

Mr. STEVENS. None.

The CHAIRMAN. With no member of the legislature?

Mr. STEVENS. No, sir.

The CHAIRMAN. At any time?

Mr. STEVENS. No, sir.

The CHAIRMAN. How much of the sum of money which you received from Senator Stephenson's campaign managers did you keep for your own use?

Mr. STEVENS. \$200.

The CHAIRMAN. Was there an arrangement pursuant to which you kept the \$200?

Mr. STEVENS. Yes.

The CHAIRMAN. When did you receive that \$200?

Mr. STEVENS. I think it was quite late; probably a month after the primary.

The CHAIRMAN. You are charged on October 16 with receiving \$200.

Mr. STEVENS. That is probably it.

The CHAIRMAN. All of the other sums you say you paid out on behalf of Senator Stephenson in his campaign?

Mr. STEVENS. Yes.

The CHAIRMAN. You seem to have received one sum of \$200 on the day before election. How did you expend that?

Mr. STEVENS. I think that was expended for workers, and for expenses in the election, and for livery hire.

The CHAIRMAN. How large a town is the one in which you reside?

Mr. STEVENS. About 2,300.

The CHAIRMAN. There are about 500 voters there?

Mr. STEVENS. Just about.

The CHAIRMAN. How many votes were cast at the direct primary in that town?

Mr. STEVENS. I could not say.

The CHAIRMAN. Have you any recollection on that subject?

Mr. STEVENS. No, sir.

The CHAIRMAN. What is the name of the town?

Mr. STEVENS. Lancaster. It has four wards.

The CHAIRMAN. In what county is it?

Mr. STEVENS. Grant County. As I remember it, there were somewhere in the neighborhood of 125 voters to the ward. That would make 600.

The CHAIRMAN. Do you mean that there were 600 votes cast at the direct primary?

Mr. STEVENS. I think so. That is a guess.

The CHAIRMAN. It would appear from the report of the Bureau of Labor of 1908 that 123 votes were cast for Mr. Stephenson in all the wards, 170 for McGovern, 27 for Hatton, and 33 for Cook.

Mr. LITTLEFIELD. That is nearly 400.

Mr. STEVENS. I understood you to say "the total vote cast."

The CHAIRMAN. That is all right. It cost how much to get out the Stephenson vote of 123? How much money did you spend to get that vote out?

Mr. STEVENS. The money that I expended was in Grant County.

The CHAIRMAN. In the whole county?

Mr. STEVENS. In the whole county.

The CHAIRMAN. You had workers at all the polls?

Mr. STEVENS. Not all; but as far as I could cover the county I did.

The CHAIRMAN. How many voting precincts are there in that county?

Mr. STEVENS. There about 35, I think.

The CHAIRMAN. It would appear from this report that Senator Stephenson received 1,033 votes in all of the precincts of the county. How much money did you expend to get out those votes?

Mr. STEVENS. If I remember right, it was about \$900.

The CHAIRMAN. It cost pretty nearly \$1 a vote.

Mr. LITTLEFIELD. Did the \$900 include your \$200 compensation?

Mr. STEVENS. Yes.

Mr. LITTLEFIELD. That would make it about \$700.

The CHAIRMAN. I was figuring the entire amount, because the money that was paid to Mr. Stevens was paid for getting out this vote, just the same as any other sum.

Mr. LITTLEFIELD. Certainly.

The CHAIRMAN. Do you know of any other money being spent in that county for the purpose of getting out the vote?

Mr. STEVENS. Only by hearsay.

The CHAIRMAN. Was there anyone besides yourself working for Senator Stephenson in that county?

Mr. STEVENS. Yes.

The CHAIRMAN. Who was it?

Mr. STEVENS. Richard Meyer did some work.

The CHAIRMAN. How much did he spend?

Mr. STEVENS. I do not know.

Mr. LITTLEFIELD. You say Richard Meyer?

Mr. STEVENS. That is hearsay. I do not quote that as authoritative.

The CHAIRMAN. You had some correspondence with Mr. Edmonds in reference to securing the depository, did you not?

Mr. STEVENS. Yes.

The CHAIRMAN. Have you any of that correspondence?

Mr. STEVENS. I have not.

The CHAIRMAN. When did you last see it?

Mr. STEVENS. I think I destroyed it just about as I received it, or shortly afterwards.

The CHAIRMAN. Did you keep copies of any letters that you wrote?

Mr. STEVENS. No, sir.

Senator POMERENE. Who first mentioned the subject of a depository?

Mr. STEVENS. I did.

Senator POMERENE. To whom did you mention it?

Mr. STEVENS. I think I mentioned it to Mr. McMahon.

Senator POMERENE. What did you say on the subject, or what was said on the subject?

Mr. STEVENS. I told him that I was working for a State depository.

Senator POMERENE. What else?

Mr. STEVENS. That I was in hopes of getting it.

Senator POMERENE. What else did you say?

Mr. STEVENS. I asked him if he could help me any.

Senator POMERENE. Go ahead.

Mr. STEVENS. He said he would do what he could.

Senator POMERENE. This was in the first talk he had with you on the subject of Senator Stephenson's campaign?

Mr. STEVENS. Yes.

Senator POMERENE. He wanted you to aid the Senator's canvass?

Mr. STEVENS. Yes.

Senator POMERENE. And you wanted him to aid in the selection of your bank as a State depository?

Mr. STEVENS. I asked him to help me.

Senator POMERENE. And you both agreed to help one another?

Mr. STEVENS. Yes.

Senator POMERENE. What else was said at that time about your compensation or what you were to do?

Mr. STEVENS. He explained the work and told me what they wanted done.

Senator POMERENE. What did he say?

Mr. STEVENS. He said they wanted to get workers to organize the county for Senator Stephenson's candidacy in the primary election, and to cover the county as thoroughly as they could, and to get workers in each precinct if necessary.

Senator POMERENE. Did you agree to do that?

Mr. STEVENS. Yes.

Senator POMERENE. Then you kept writing to Mr. Edmonds from time to time as to what progress he was making on the depository matter, did you?

Mr. STEVENS. I had some correspondence with him.

Senator POMERENE. And he reported to you that he had taken it up with the commission, did he?

Mr. STEVENS. I believe so.

Senator POMERENE. And with the secretary of state?

Mr. STEVENS. I believe so.

Senator POMERENE. And with anyone else?

Mr. STEVENS. I do not remember.

Senator POMERENE. You employed a number of men to do work in Grant County?

Mr. STEVENS. Yes.

Senator POMERENE. Have you a list of those men?

Mr. STEVENS. Yes.

Senator POMERENE. With you?

Mr. STEVENS. Yes.

Senator POMERENE. Let us see the list.

Mr. STEVENS (producing notebook). This is simply a list prepared from memory.

Senator POMERENE. When did you prepare it?

Mr. STEVENS. About 10 days ago.

Senator POMERENE. Does your list give the amount you paid each one?

Mr. STEVENS. Yes.

Senator POMERENE. And the dates when paid?

Mr. STEVENS. No, sir.

Senator POMERENE. Just give the list as you have it there. So far as it goes, this is correct, according to your present memory?

Mr. STEVENS. With one or two exceptions that I will mention, it is the correct amount.

Senator POMERENE. Proceed.

Mr. STEVENS. D. J. Lowry, \$200. Myself, \$200. Joe McLaughlin, \$40. A. E. Storrs, I think \$25, but I am not sure; I paid him this in cash. J. Schrage, \$10. P. A. Peterson, \$10. I paid a man by the name of Brown, whose initials I think are H. G., \$5. W. E. Shimmin, I think, \$10. I am not sure about that amount. F. P. Jensen, \$60. That might have been \$50, and it might have been \$60, and it might have been a little bit more. I paid a man in Potosi, whose name I do not know, \$10. W. C. Tiller, for livery, \$40. That may have been a few cents over or a few cents under, or a few dollars over or a few dollars under; as I remember it the bill was for \$40. Elmer C. May, \$7. H. M. McNett, \$20; I am a little uncertain as to the amount of that. J. H. Mankel, \$10; that was either \$5 or \$10; I will not say which. I paid a livery bill of W. B. Dyer amounting to about \$30.

Senator POMERENE. Is that the extent of it?

Mr. STEVENS. Yes; so far as I can remember.

Senator POMERENE. How much did you get all told?

Mr. STEVENS. About \$900.

Senator POMERENE. For what was this money paid to Lowry?

Mr. STEVENS. A letter was written by me to the voters of Grant County and published in his paper, in the last publication before the primary, and mailed to every voter in the county.

Senator POMERENE. What paper was that?

Mr. STEVENS. The Grant County Herald.

Senator POMERENE. That is what the \$200 was for?

Mr. STEVENS. Yes.

Mr. LITTLEFIELD. May I ask a question right there?

Senator POMERENE. Certainly.

Mr. LITTLEFIELD. Was this for the publication in the paper and the mailing, or did you do the mailing?

Mr. STEVENS. He did the mailing.

Mr. LITTLEFIELD. So that the newspaper did the whole work?

Mr. STEVENS. The newspaper did the whole work.

Senator POMERENE. For what was the \$40 paid to McLaughlin?

Mr. STEVENS. The \$40 was paid to McLaughlin for expenses in Cuba City and Hazel Green and the surrounding territory.

Senator POMERENE. "Expenses" is somewhat indefinite. What do you mean by that?

Mr. STEVENS. Securing workers for Senator Stephenson.

Senator POMERENE. That is, workers at the polls?

Mr. STEVENS. Yes; and before the polls.

Senator POMERENE. And talking up Stephenson sentiment?

Mr. STEVENS. Yes.

Senator POMERENE. For what was Storrs paid the \$25?

Mr. STEVENS. That was for money that he had expended in and around Fennimore.

Senator POMERENE. For workers?

Mr. STEVENS. Yes.

Senator POMERENE. And Schrake?

Mr. STEVENS. Schrake was the same.

Senator POMERENE. Peterson?

Mr. STEVENS. Peterson was the same.

Senator POMERENE. And Brown?

Mr. STEVENS. Brown was the same.

Senator POMERENE. And Shimmin?

Mr. STEVENS. Shimmin was the same.

Senator POMERENE. And Jensen?

Mr. STEVENS. That was for livery and expenses for workers at Plattville.

Senator POMERENE. Workers and livery?

Mr. STEVENS. Yes.

Senator POMERENE. And expenses?

Mr. STEVENS. Yes.

Senator POMERENE. And the Potosi man?

Mr. STEVENS. The same.

Senator POMERENE. And Tiller?

Mr. STEVENS. The amount paid to Tiller was for livery.

Senator POMERENE. Livery for what?

Mr. STEVENS. That was for his teams on the day of the primary, if it was deemed necessary; but we did not use them. We made arrangements for carriages and teams to get out the voters.

Senator POMERENE. And May, \$7.

Mr. STEVENS. That was for work and expenses?

Senator POMERENE. And McNett?

Mr. STEVENS. That was the same.

Senator POMERENE. And Mankel?

Mr. STEVENS. That was the same.

Senator POMERENE. And Dyer?

Mr. STEVENS. That was for livery hire that I used.

Senator POMERENE. You received about \$900. In what amounts and at what dates did you receive that sum of money?

Mr. STEVENS. I could not give you the dates. It ranged from about the 5th of August to the middle of October.

Senator POMERENE. Did you get all of this money from Mr. Edmonds?

Mr. STEVENS. Yes.

Senator POMERENE. And none of it from McMahon?

Mr. STEVENS. Not a cent.

Senator POMERENE. Did you render any account for this?

Mr. STEVENS. No, sir; except in letters and reports. No, sir; I did not render any account for it.

Senator POMERENE. That is, there was no itemized statement of these disbursements, except as you made them?

Mr. STEVENS. Except for that first one of \$28.70. I received a draft for \$28.70 that I sent them a statement for.

Senator POMERENE. The rest of the \$900 you did not account for?

Mr. STEVENS. No, sir.

Senator POMERENE. Have you anything to indicate the exact amount that you received?

Mr. STEVENS. No, sir.

Senator POMERENE. You testified on this same subject before the legislative committee?

Mr. STEVENS. Yes.

Senator POMERENE. You then testified that in your judgment it was \$800?

Mr. LITTLEFIELD. What page is that on?

Senator POMERENE. Page 4577. You were asked:

And how much?

And you replied:

I think the amount was just under \$800, as I remember.

Mr. STEVENS. It may possibly have been \$800.

Senator POMERENE. Do you know now?

Mr. STEVENS. No, sir.

Senator POMERENE. What reason is there for your making it \$900 now and saying \$800 before, within two or three months after you expended it?

Mr. STEVENS. There was one check for \$28 and some odd cents, one for \$300, one for \$200, and another one for \$200.

Senator POMERENE. Before the primary?

Mr. STEVENS. The last one, I guess, was after the primaries, for my services.

Senator POMERENE. That would make in all \$728. Have you any books or memoranda at home that will show what you received?

Mr. STEVENS. Yes.

Senator POMERENE. And when you received it?

Mr. STEVENS. Yes.

Senator POMERENE. And from whom you received it?

Mr. STEVENS. That is, it will show the record of the drafts.

Senator POMERENE. Will it show your disbursements?

Mr. STEVENS. No.

Senator POMERENE. You never rendered any account, you have said. Was any ever requested from you?

Mr. STEVENS. No, sir.

Senator POMERENE. Did you ever have any conference with Senator Stephenson himself on this subject?

Mr. STEVENS. No.

Senator POMERENE. Your conferences were with McMahon and Mr. Edmonds and Mr. Sacket?

Mr. STEVENS. Yes.

Senator POMERENE. And Mr. Puelicher?

Mr. STEVENS. I met Mr. Puelicher, but never on that subject.

Senator POMERENE. You talked with Mr. Puelicher about the State depository, did you not?

Mr. STEVENS. No, sir.

Senator POMERENE. You never mentioned that subject?

Mr. STEVENS. No, sir.

Senator POMERENE. You were pretty anxious about this time to have your bank designated as a State depository, were you not?

Mr. STEVENS. Yes.

Senator POMERENE. You were bringing to bear all the influence that you could?

Mr. STEVENS. Yes, sir.

Senator POMERENE. I think that is all.

Mr. LITTLEFIELD. Did you talk to Mr. Sacket about the question of the State deposits?

Mr. STEVENS. Yes, sir.

Mr. LITTLEFIELD. Did he say to you that they could not make any promises in connection with it, or in substance that?

Mr. STEVENS. He said they could not promise the depository.

Mr. LITTLEFIELD. He said that they could not promise the depository?

Mr. STEVENS. Yes.

Mr. LITTLEFIELD. Did he say, in substance, that they had no authority from the Senator to make any political promises?

Mr. STEVENS. Yes.

Mr. LITTLEFIELD. He did say that?

Mr. STEVENS. I think so.

Mr. LITTLEFIELD. And that was at the time you were making your arrangements to engage in the campaign?

Mr. STEVENS. Yes, sir.

Mr. LITTLEFIELD. You know Senator Blaine, I take it?

Mr. STEVENS. Yes.

Mr. LITTLEFIELD. Did you state to Senator Blaine, at any time, that you were doing work for Senator Stephenson, organizing and picking off Hatton and McGovern men?

Mr. STEVENS. No.

Mr. LITTLEFIELD. Did you ever state to him, in any form of language, that you were picking off Hatton and McGovern men?

Mr. STEVENS. No.

Mr. LITTLEFIELD. You say you have in the bank a record of the drafts that you received from Mr. Edmonds?

Mr. STEVENS. Yes, sir.

Mr. LITTLEFIELD. Will you draw off from the records in the bank a statement of these drafts and forward it to the committee?

Mr. STEVENS. Yes, sir.

Mr. LITTLEFIELD. Have you any memorandum showing the items or details of disbursements?

Mr. STEVENS. No.

Mr. LITTLEFIELD. What you have given here is your best recollection?

Mr. STEVENS. That is the best recollection I have.

Mr. LITTLEFIELD. These sums you have given here, as I have them, aggregate something like \$677. In that you have not included the item of \$28.92?

Mr. STEVENS. No.

Mr. LITTLEFIELD. So that, with the \$28.92, you would account for about \$700. The \$28.92 was figured by you in the total sum you received?

Mr. STEVENS. Yes.

Mr. LITTLEFIELD. That is, with the \$677 that you have given here and the \$28.92 you would account for a little over \$700. If the sum was \$900, that would leave \$200 unaccounted for; and if the sum was \$800, of course it would leave \$100 unaccounted for. Are you able to give the committee any more detailed information as to the parties to whom or the manner in which this sum of either one or two hundred dollars was disbursed?

Mr. STEVENS. That, I think, was my expense in traveling around over the community.

Mr. LITTLEFIELD. What time did you put in in the campaign?

Mr. STEVENS. Quite a good deal during the month of August.

Mr. LITTLEFIELD. How large a territory did you cover?

Mr. STEVENS. There are about 35 precincts. Let me see. It is probably 20 by 30 miles.

Mr. LITTLEFIELD. How did you travel? By team or an auto?

Mr. STEVENS. Both; a team when the roads were not good for the auto.

Mr. LITTLEFIELD. You own an auto?

Mr. STEVENS. Yes.

Mr. LITTLEFIELD. And you used your own auto?

Mr. STEVENS. Yes.

Mr. LITTLEFIELD. Do you remember any other items of expenditure than your own expenses in traveling about the county during this month?

Mr. STEVENS. No; I do not; hotel fare and lodging.

Mr. LITTLEFIELD. Was there anything in the line of publicity done; that is, circulating literature, putting up advertising matter, and things of that kind?

Mr. STEVENS. Yes. I did some of that as I went around. I do not remember that I hired anybody else to put it up.

Mr. LITTLEFIELD. You state that you think it was somewhere between \$800 and \$900, or \$900. How did you get the idea that it was \$900? I see that your attention is called to the fact that you stated before the committee that it was something like \$800.

(The witness hesitated.)

Mr. LITTLEFIELD. I do not know that I need bother about that, because you can send the amount of the checks.

Mr. STEVENS. Yes.

Mr. LITTLEFIELD. Was the whole sum you received represented by the item of \$28.92 and checks?

Mr. STEVENS. Yes.

Mr. LITTLEFIELD. So that the checks themselves will show?

Mr. STEVENS. Yes.

Mr. LITTLEFIELD. You have your record in the bank?

Mr. STEVENS. I have the record in the bank.

Mr. LITTLEFIELD. No sums were received by you in cash?

Mr. STEVENS. No, sir.

Mr. LITTLEFIELD. Was the \$28.92 received by check?

Mr. STEVENS. It was received by check.

Mr. LITTLEFIELD. So that all of it was received by check?

Mr. STEVENS. Yes.

Mr. LITTLEFIELD. And all of these checks went through your bank?

Mr. STEVENS. Yes.

Mr. LITTLEFIELD. So that you can look that up and give us a statement of it?

Mr. STEVENS. Yes.

Mr. LITTLEFIELD. When do you return?

Mr. STEVENS. To-morrow morning, probably.

Mr. LITTLEFIELD. When will that information get down here?

Mr. STEVENS. It will get down here to-morrow night, if I can mail it to-morrow morning.

Mr. LITTLEFIELD. How far is it from here to Lancaster?

Mr. STEVENS. It is about 177 miles.

Mr. LITTLEFIELD. You can have it here by Saturday?

Mr. STEVENS. It will be here to-morrow night in the mail, if I go home to-morrow.

Mr. LITTLEFIELD. Yes. So that we will have it here Saturday morning.

Will you send it in a letter addressed to Hon. W. B. Heyburn, Pfister Hotel, here?

Mr. STEVENS. Yes.

Mr. LITTLEFIELD. Was all of this sum that came into your hands, except the \$200, expended either in your own expenses or in disbursements to people who were taking a part in the campaign?

Mr. STEVENS. Yes, sir.

Mr. LITTLEFIELD. Was any money expended by you in this campaign, either directly or indirectly, for the purpose of bribing, or corruptly or unlawfully influencing any electors in the primary election in the interest of Senator Stephenson?

Mr. STEVENS. No.

Mr. LITTLEFIELD. Was any money expended by any of the men to whom you disbursed money, as you have described, so far as you know, for the purpose, either directly or indirectly, of bribing or

corruptly or unlawfully influencing electors in that primary election in the interest of Senator Stephenson?

Mr. STEVENS. Not to my knowledge.

Mr. LITTLEFIELD. While you were disbursing this money, did you keep any detailed memorandum of the names and the amounts?

Mr. STEVENS. No.

Mr. LITTLEFIELD. Do you remember whether you paid anything to a man named William Weller, a liveryman, for livery purposes?

Mr. STEVENS. I never did. How much?

Mr. LITTLEFIELD. Thirty or thirty-five dollars is indicated here in this former record. I do not know whether they got the name right or not.

Senator POMERENE. Are you looking at the record?

Mr. LITTLEFIELD. Yes.

Senator POMERENE. To what page are you referring?

Mr. LITTLEFIELD. Page 4580.

Mr. STEVENS. I think I paid one liveryman about \$30 or \$35. That must have been Dyer. That is just about the amount I had there for Dyer.

Mr. LITTLEFIELD. Was Dyer a Lancaster liveryman?

Mr. STEVENS. Yes.

Mr. LITTLEFIELD. The probability is that is a confusion of names, then.

That is all.

Senator POMERENE. You remember before luncheon you testified something about your "spindle account," and, as I recall it, you said that if a man should bring in a few dollars and he did not have an account you would just make a slip of it and put it on what you called your "spindle account," or if money was paid out on a small account for someone who had no account——

Mr. STEVENS. Not the amounts that were paid out, so much; because we would not do that until the money was paid there——

Senator POMERENE. We understand, then, that you had a spindle account for small credits of this kind?

Mr. STEVENS. Yes.

Senator POMERENE. Did you have a spindle account for Senator Stephenson?

Mr. STEVENS. No. I took that in cash. That was a mistake.

Senator POMERENE. Why do you distinguish between these two classes?

Mr. STEVENS. Because I did not put this into the bank's work at all.

Senator POMERENE. As a banker, you are pretty careful about the handling of people's moneys and keeping a strict account, are you not?

Mr. STEVENS. Yes, sir.

Senator POMERENE. Would not your business training suggest to you the propriety of keeping a similarly strict account when it comes to expenditures of this kind?

Mr. STEVENS. I suppose it should.

Senator POMERENE. You knew, at that time, that there was a law requiring the Senator and all candidates to file expense accounts, did you not?

Mr. STEVENS. Yes, sir.

Senator POMERENE. How did you expect him to file an expense account if he did not have a memorandum from you as to the expenditures which you had made?

Mr. STEVENS. He had the amounts that he sent.

Senator POMERENE. He had the amount that went to you, but not to the ultimate source, except the \$200 that you were to receive for your services. Was it Mr. McMahon that made the arrangement with you with respect to your compensation of \$200?

Mr. STEVENS. I think it was Mr. Edmonds.

Senator POMERENE. And from that time on you became very much interested in Mr. Stephenson's candidacy?

Mr. STEVENS. I did considerable work.

Senator POMERENE. And before that you did nothing?

Mr. STEVENS. No.

Mr. LITTLEFIELD. One word in relation to the talk with Mr. McMahon. Have you ever read Mr. McMahon's testimony?

Mr. STEVENS. No; only a small part of it.

Mr. LITTLEFIELD. Where did you read that? In the proceedings before the committee, or was it a report in a newspaper?

Mr. STEVENS. I think it was a newspaper report, the other day.

Mr. LITTLEFIELD. Are you confident about your recollection as to who introduced the subject of the depository at the time Mr. McMahon called on you?

Mr. STEVENS. Yes.

Mr. LITTLEFIELD. Was Mr. McMahon at that time an acquaintance of yours?

Mr. STEVENS. No.

Mr. LITTLEFIELD. Do you know whether or not he was acquainted with your sisters?

Mr. STEVENS. I think he met my sisters at the university.

Mr. LITTLEFIELD. At Madison?

Mr. STEVENS. At Madison.

Mr. LITTLEFIELD. If Mr. McMahon stated that you called attention to the fact that you had a scarcity of currency, and he suggested that you apply for a depository, would that refresh your recollection as to how the subject matter was introduced at the conversation?

Mr. STEVENS. That is not my idea of it.

Mr. LITTLEFIELD. It is not your recollection?

Mr. STEVENS. No.

Mr. LITTLEFIELD. Your recollection is as you have stated it here?

Mr. STEVENS. Yes.

Mr. LITTLEFIELD. That is all.

(The witness was thereupon excused.)

(By direction of the chairman, the name of R. J. Shields was called. He did not respond.)

Mr. LITTLEFIELD. I would like to inquire, if the chairman please, whether Mr. Pollock, who was the editor of a newspaper in the upper part of the State, has made any report in connection with this investigation?

The CHAIRMAN. He was to make an examination and telephone the result of it. He has not yet done so. The matter will be given attention.

Mr. LITTLEFIELD. I simply wanted to keep track of it.

TESTIMONY OF JOHN W. STONE.

JOHN W. STONE, having been previously sworn, testified as follows:

The CHAIRMAN. Give your full name, please.

Mr. STONE. John W. Stone.

The CHAIRMAN. State your place of residence.

Mr. STONE. Minneapolis, Minn., at present.

The CHAIRMAN. You were formerly game warden in the State of Wisconsin, were you?

Mr. STONE. I was.

The CHAIRMAN. What was the length of your term of office?

Mr. STONE. Two years.

The CHAIRMAN. When did your term of office begin?

Mr. STONE. In June, 1907.

The CHAIRMAN. And it ended in 1909?

Mr. STONE. Yes, sir.

The CHAIRMAN. Did you receive money from Senator Stephenson, or from those representing him, to be used in his behalf during his senatorial campaign before the primaries in 1908?

Mr. STONE. I did.

The CHAIRMAN. How much?

Mr. STONE. \$2,500.

The CHAIRMAN. Was that all you received?

Mr. STONE. No.

The CHAIRMAN. Did you not receive \$2,849.50?

Mr. STONE. Yes; that is right.

The CHAIRMAN. That is the amount you received?

Mr. STONE. Yes.

The CHAIRMAN. When you received the \$2,500, in what shape did you receive it?

Mr. STONE. In currency.

The CHAIRMAN. Where?

Mr. STONE. In the Wells Building, I think it was; at the headquarters, in the city of Milwaukee.

The CHAIRMAN. From whom?

Mr. STONE. From Mr. Sacket.

The CHAIRMAN. No check or draft was drawn in your favor, that you signed?

Mr. STONE. No, sir; not for the \$2,500.

The CHAIRMAN. Did Mr. Sacket have the money in his possession when you went to him on that day?

Mr. STONE. I went to Mr. Edmonds first.

The CHAIRMAN. I was referring, though, to Mr. Sacket. When you went into Mr. Sacket's presence, did he have that money with him, or did he go and get it after you went in there?

Mr. STONE. I do not remember seeing Mr. Sacket until he came in with the money.

The CHAIRMAN. Until he came in with the money?

Mr. STONE. Yes.

The CHAIRMAN. Did he come into Mr. Edmonds's room with the money? Where did he pay you?

Mr. STONE. I do not know whose room it was.

The CHAIRMAN. Was Mr. Edmonds present when Mr. Sacket paid you that money?

Mr. STONE. No, sir.

The CHAIRMAN. Was anyone present?

Mr. STONE. I could not say as to that.

The CHAIRMAN. You would remember if anyone was there when you received the \$2,500, would you not?

Mr. STONE. It seems to me as though there was a clerk there, or some one else in the office, but I do not remember now who it was.

The CHAIRMAN. Was this \$2,500 in a package or packages, or was it loose?

Mr. STONE. No; it was in a package.

The CHAIRMAN. In one package?

Mr. STONE. I think so.

The CHAIRMAN. Were the bills of large denomination?

Mr. STONE. I think they were \$100 bills, or something like that.

The CHAIRMAN. You think there were twenty-five \$100 bills?

Mr. STONE. I do not remember just the denominations of the bills.

The CHAIRMAN. Cast your mind back. Were there not twenty-five \$100 bills?

Mr. STONE. No. There were some smaller bills.

The CHAIRMAN. Were there any bills less than \$500 in that package?

Mr. STONE. I do not think there was one that was \$500. If I remember right the largest bill was \$100.

The CHAIRMAN. The largest bill was \$100, but you think they were not all \$100 bills?

Mr. STONE. No, sir; I do not think so.

The CHAIRMAN. You are familiar with the packages of money as they are made up by banks, are you not?

(The witness hesitated.)

The CHAIRMAN. With a band around them?

Mr. STONE. Yes; I have seen them.

The CHAIRMAN. Was this money in that class of package?

Mr. STONE. I could not say as to that.

The CHAIRMAN. Can you not remember whether this money was in a bank package, such as you are accustomed to see, or whether it was a loose sheaf of money, in one package?

Mr. STONE. I think it was in packages; that is, two or three different packages, or whatever it might be.

The CHAIRMAN. Several packages?

Mr. STONE. Well, more than one. I do not remember how many.

The CHAIRMAN. Did you break the package and count the money?

Mr. STONE. Yes, sir.

The CHAIRMAN. Then, in the presence of Mr. Sacket?

Mr. STONE. I was in the room.

The CHAIRMAN. Did you give a receipt for it?

Mr. STONE. Yes, sir.

The CHAIRMAN. To whom did you give the receipt?

Mr. STONE. To Mr. Sacket.

The CHAIRMAN. The receipt recited the fact that you had received this money from Mr. Sacket, did it?

Mr. STONE. Yes, sir.

The CHAIRMAN. Did it recite the purpose for which you had received it?

Mr. STONE. No, sir.

The CHAIRMAN. It recited just the bare fact that you had received it?

Mr. STONE. Yes, sir.

The CHAIRMAN. For what purpose was that money given you?

Mr. STONE. It was to be expended in the interest of Mr. Stephenson's primary campaign.

The CHAIRMAN. Was it to be expended by you, or were you authorized to pay it out to others, to be expended by them?

Mr. STONE. I was to use it at my own discretion.

The CHAIRMAN. Were you at liberty, then, as you understood the transaction, to handle all that money yourself?

Mr. STONE. Yes, sir.

The CHAIRMAN. According to your discretion?

Mr. STONE. Yes.

The CHAIRMAN. No limitations were placed upon you, whatever, as to the manner of expenditure, were they?

Mr. STONE. No; I think not.

The CHAIRMAN. Did you pay any part of that money out to others, to be by them distributed or disbursed?

Mr. STONE. I did.

The CHAIRMAN. To whom did you pay it?

Mr. STONE. I paid H. A. Bowman.

The CHAIRMAN. How much?

Mr. STONE. \$1,250.

The CHAIRMAN. When did you give him the \$1,250?

Mr. STONE. I gave him \$500 the day that I received the money.

The CHAIRMAN. When did you next give him money?

Mr. STONE. I gave him \$500 in the city of Madison; but I can not tell you the date.

The CHAIRMAN. Was it before or after the primary?

Mr. STONE. Some time in August, I think.

The CHAIRMAN. When did you next give him money?

Mr. STONE. I gave him a check for two hundred and eighty some odd dollars.

Senator POMERENE. What was the amount?

Mr. STONE. I think it was two hundred and eighty some odd dollars.

The CHAIRMAN. That would make \$1,280?

Mr. STONE. Yes.

The CHAIRMAN. For what purpose did you give that to Mr. Bowman?

Mr. STONE. For him to use in the interest of Mr. Stephenson's campaign.

The CHAIRMAN. Did you tell him the use he was to make of it?

Mr. STONE. I did not.

The CHAIRMAN. Did you discuss with him the manner in which it was to be used?

Mr. STONE. I presume he naturally did——

The CHAIRMAN. What was said as to the manner in which that money was to be used?

Mr. STONE. It was to be expended for workers.

The CHAIRMAN. For workers where?

Mr. STONE. In the different parts of the State where he was located.

The CHAIRMAN. Workers to do what kind of work?

Mr. STONE. Ordinary election work.

The CHAIRMAN. What do you call ordinary election work?

Mr. STONE. Team hire, putting up lithographs, seeing that the vote was gotten out, etc.

The CHAIRMAN. That is the use that Mr. Bowman was to make of this money? Did he ever return you any part of that money?

Mr. STONE. No, sir.

The CHAIRMAN. Did you have personal knowledge of his having paid some portions of that money out to other men to work?

Mr. STONE. I did not.

The CHAIRMAN. Did you ever ask him for an account of the expenditure of that money?

Mr. STONE. No, sir.

The CHAIRMAN. And he never gave it to you?

Mr. STONE. No, sir.

The CHAIRMAN. You heard him testify, did you?

Mr. STONE. I did not. I was not here.

The CHAIRMAN. You have now disposed of \$1,250 of the \$2,500.

Mr. LITTLEFIELD. \$1,280, Mr. Chairman.

The CHAIRMAN. Yes. He received, altogether, \$2,849.50. We will assume that you had \$1,250 remaining in your hands out of that \$2,500, or thereabouts—a difference of a dollar does not matter. What did you do with that?

Mr. STONE. I gave John Craig, of Superior, \$75; G. C. Kolb, \$50; F. B. Brown, \$50; G. W. Dart, \$50; A. E. Stores, \$20; W. P. Porter, \$25; F. A. Tate, \$20; a man by the name of Gordon, \$25 (I do not know his initials); A. I. Hulbert, \$10; E. W. Pierce, \$10; E. W. Tuttle, \$75; J. Sather, \$10; Fred Gerhart, \$200. That is all the memorandum I have.

The CHAIRMAN. That accounts for \$620. What did you do with the balance of that money?

Mr. STONE. I do not know.

The CHAIRMAN. Did you spend it?

Mr. STONE. I do not know whether I spent it or not.

The CHAIRMAN. When you say you do not know what you did with it, do you mean to say you do not know whether you lost it or spent it?

Mr. STONE. No, sir. It was deposited with what little money I had in the bank; and these separate sums that I have named are the only record I have of money actually paid to individuals. How much of that money I spent myself in the campaign I do not know.

The CHAIRMAN. What did you do during the campaign?

Mr. STONE. Wherever I was I interested myself in Mr. Stephenson's campaign.

The CHAIRMAN. Did you pay out money in connection with Senator Stephenson's campaign in addition to the sums that you have given us?

Mr. STONE. I undoubtedly did, in the way of entertainment, more or less.

The CHAIRMAN. How much would you say that you paid out?

Mr. STONE. I have not any idea. I could not make an estimate.

The CHAIRMAN. Did you pay out \$500?

Mr. STONE. I do not think so.

The CHAIRMAN. \$100?

Mr. STONE. I could not say just how much I did pay out.

The CHAIRMAN. You are not willing to say that you paid out as much as \$50?

Mr. STONE. I could not say how much I did pay out.

The CHAIRMAN. You are willing to leave that unaccounted for, are you?

Mr. STONE. Yes, sir.

The CHAIRMAN. You are engaged in the regular business of your office—game warden—were you?

Mr. STONE. At that time; yes, sir.

The CHAIRMAN. During all of that time?

Mr. STONE. Yes, sir.

The CHAIRMAN. You were under pay in the way of salary, or a per diem, or how?

Mr. STONE. Salary.

The CHAIRMAN. How much salary did you receive?

Mr. STONE. \$1,800 a year.

The CHAIRMAN. Do you know what the men whose names you have given did with the sums of money that you have given us?

Mr. STONE. No, sir; I have no personal knowledge of that.

The CHAIRMAN. Did they render you any account?

Mr. STONE. They did not.

The CHAIRMAN. You have no way of knowing what Mr. Gerhart did with the \$200?

Mr. STONE. No, sir.

The CHAIRMAN. Did you ever ask him?

Mr. STONE. The only knowledge I have of it is his testimony before the other committee, which I have understood about since. I did not hear the evidence myself.

The CHAIRMAN. You have read it, have you?

Mr. STONE. Yes, sir.

The CHAIRMAN. Did you pay any of your game wardens, other than Mr. Bowman, any of this money?

Mr. STONE. Yes, sir.

The CHAIRMAN. Which one of the game wardens? Just give us the names of the game wardens. Are they included in the list you gave us?

Mr. STONE. Yes, sir.

The CHAIRMAN. Just indicate, then, so that we may mark them off.

Mr. STONE. Craig.

The CHAIRMAN. Craig is a game warden, is he?

Mr. STONE. Yes, sir. He was at that time.

The CHAIRMAN. Yes.

Mr. STONE. Kolb, Brown, Dart, Stores, Gerhart.

The CHAIRMAN. Porter and Tate were not game wardens, were they?

Mr. STONE. No, sir.

The CHAIRMAN. Or Gordon?

Mr. STONE. No, sir.

The CHAIRMAN. Or Hulbert?

Mr. STONE. Yes, sir; Mr. Hulbert was a game warden.

The CHAIRMAN. Pierce?

Mr. STONE. No, sir.

The CHAIRMAN. Tuttle?

Mr. STONE. Yes, sir.

The CHAIRMAN. What is that name—Sager?

Mr. STONE. Sather. He was not a game warden.

The CHAIRMAN. Gerhart was?

Mr. STONE. Yes, sir.

The CHAIRMAN. That makes eight game wardens. Those are all the moneys you paid those game wardens?

Mr. STONE. Yes, sir.

The CHAIRMAN. You rendered no account of this money to anyone, did you?

Mr. STONE. I did not.

The CHAIRMAN. And you were not asked to?

Mr. STONE. No, sir.

The CHAIRMAN. Did you keep any memorandum at the time of your expenditures?

Mr. STONE. I had a partial memorandum, the same as I have given you there.

The CHAIRMAN. Yes; you have read from the only memorandum you have?

Mr. STONE. Yes, sir. I found that some time after the other investigation.

The CHAIRMAN. You found it since you testified in this matter?

Mr. STONE. Yes, sir.

The CHAIRMAN. Where did you find it?

Mr. STONE. In my desk.

The CHAIRMAN. Was it made at the time you paid out the money?

Mr. STONE. I think so. It was in my monthly account—my expense account.

Senator POMERENE. Do you mean you had a book in which you kept your official expenses?

Mr. STONE. Yes; my official expenses.

Senator POMERENE. And was this one of those books?

Mr. STONE. Yes, sir.

Senator POMERENE. That contains the above-recited disbursements?

Mr. STONE. No; just the items there and the surnames.

Mr. LITTLEFIELD. Do you wish to see it?

Senator POMERENE. I should like to see just the nature of it; that is all. [Examining book.]

Mr. LITTLEFIELD. It is the memorandum book he evidently carried in his pocket, and he seems to have a list there on one page.

Senator POMERENE. That is this part in blue?

Mr. STONE. Yes, sir. Then there is another memorandum over on the other page that I found there that is similar to that.

Senator POMERENE. This was evidently copied from somewhere, was it not?

Mr. STONE. Which?

Senator POMERENE. These entries all seem to be in the same handwriting and with the same pencil.

Mr. STONE. Well, that is my memorandum. It must have been——

Senator POMERENE. I understand; but did you have separate slips from which you made entries in this book?

Mr. STONE. Oh, no.

Senator POMERENE. These were the original entries?

Mr. STONE. I must have made those——

Senator POMERENE. Let us understand one another. You had made no entry of any kind with respect to these items before you made this?

Mr. STONE. No, sir; that is the only thing that I had.

Senator POMERENE. And then on the following page is——

Mr. STONE. That is something similar.

Senator POMERENE. Something further?

Mr. STONE. Yes, sir. Well, it is practically the same thing, is it not?

Senator POMERENE. What is the first item here? Is it "Boardman, \$1,000"?

Mr. LITTLEFIELD. Bowman.

Senator POMERENE. Oh! Bowman?

The CHAIRMAN. You have an item there of \$1,000 paid Bowman. You have not given us any item of \$1,000 paid Bowman.

Mr. STONE. That was after I made the two payments, I presume. At that time probably I had just paid him \$1,000.

Senator POMERENE. You say you made these entries here as you made the payments?

Mr. STONE. Well, I do not know as to that. I had forgotten all about this memorandum at all, until——

Senator POMERENE. When did you pay this first \$500 to Mr. Bowman?

Mr. STONE. I paid it in the city of Milwaukee.

Senator POMERENE. When?

Mr. STONE. The day I got the money from Mr. Sacket.

Senator POMERENE. That is \$500?

Mr. STONE. Yes, sir.

Senator POMERENE. Then you told us here that later you made another payment to Bowman of \$500.

Mr. STONE. I did; in the city of Madison.

Senator POMERENE. How long was that after the first \$500?

Mr. STONE. I do not remember just how long.

Senator POMERENE. Meanwhile, had you paid any moneys out of this sum to anyone else?

Mr. STONE. I could not say as to that.

Senator POMERENE. As between these two \$500 payments?

Mr. STONE. That is, of the money that I had received from Mr. Stephenson.

Senator POMERENE. The money that you received from Mr. Edmonds or Mr. Sacket.

Mr. STONE. I could not say as to that.

Senator POMERENE. Can you tell us how long a time intervened between those two payments?

Mr. STONE. No, sir; I can not.

Senator POMERENE. Did you not see some one else, and pay some money to some one else, after the first \$500 was paid and before the second \$500 was paid to Bowman?

Mr. STONE. I might have, and I presume I did; but I have not any memorandum of it. I have no dates.

Senator POMERENE. I know; but if you did that, would not those items appear here in their chronological order instead of having the one item of \$1,000 at the beginning of the account?

Mr. STONE. Unless I made up the memorandum after it was paid out.

Senator POMERENE. But what did you make it up from?

Mr. STONE. It must have been from memory at that time.

Senator POMERENE. Have you not any recollection now as to whether you made it up from memory, or whether you made the entries as the payments were made?

Mr. STONE. No, sir.

Senator POMERENE. Is your mind a blank on that subject?

Mr. STONE. Yes, sir. I do not remember whether I made it at the time or made it up afterwards.

Senator POMERENE. Have you not any recollection as to what became of the balance of this money?

Mr. STONE. No, sir; I have not.

Mr. LITTLEFIELD. What does the Senator make the balance, please?

Senator POMERENE. He first told us he had paid \$1,250 to Bowman. Then, in analyzing that, he gave two payments of \$500 each and one of \$280. The other items he gave us total \$620. That would make \$1,870, or \$1,900 if you use \$280 as being the amount paid to Bowman.

Mr. LITTLEFIELD. That leaves a difference of how much?

Senator POMERENE. That would leave \$600 out of the \$2,500.

Mr. LITTLEFIELD. Yes; but there was \$349.30 in addition to that. The whole was \$2,849.

The CHAIRMAN. In regard to the last payment that you made to Bowman, the \$280, you got a check for that. That is not a part of the \$2,500, is it?

Mr. STONE. Why, yes; I gave him a check for two hundred and eighty some odd dollars.

The CHAIRMAN. I know; but did you not get some money in addition, which you merely transferred or handed over to him?

Mr. STONE. At that time?

The CHAIRMAN. At any time.

Mr. STONE. No.

The CHAIRMAN. All right. I was under the impression that you got it in addition.

Mr. LITTLEFIELD. I wanted to be sure that I was right about it. As I understand it, the total sum coming into the hands of Mr. Stone was \$2,849.30.

Senator POMERENE. What was the last item that you got from headquarters? I do not believe I took a memorandum of it.

Mr. LITTLEFIELD. \$349.

The CHAIRMAN. \$349.50.

Senator POMERENE. Is that your recollection of it?

Mr. STONE. Something like that. I am not positive.

Mr. LITTLEFIELD. That is what I was getting at. I wanted to see what the exact balance was.

Senator POMERENE. Can you give us any account of this \$349.50?

Mr. STONE. Yes, sir.

Senator POMERENE. What did you do with it?

Mr. STONE. That was sent to me in full in a draft from Mr. Edmonds.

Senator POMERENE. When?

Mr. STONE. I can not tell you when; but I issued a personal check to three of the parties in payment of this.

Senator POMERENE. You said a moment ago "when you settled," or something to that effect. That is not the word you used. What was that word?

(The reporter read as follows:)

That was sent to me in full.

Senator POMERENE. You say that \$349.50 was sent to you in full?

Mr. STONE. I mean, a check or draft was sent by Mr. Edmonds.

Senator POMERENE. What do you mean by "in full"?

Mr. STONE. For this \$349.50, or \$349 and some odd cents—whatever it was.

Senator POMERENE. Now go on and tell us what that was to pay for.

Mr. STONE. That was to pay a man by the name of Fridley, at Superior—

Senator POMERENE. What is his first name?

Mr. STONE. I do not remember now.

Senator POMERENE. How much?

Mr. STONE. I think it was \$140. That is my recollection; but I have not any memorandum of that.

Senator POMERENE. Who else?

Mr. STONE. John Craig.

Senator POMERENE. How much?

Mr. STONE. \$82, I think it was. It might have been a few cents more.

Senator POMERENE. Is that in addition to the \$75 you gave us awhile ago?

Mr. STONE. Yes, sir.

Mr. LITTLEFIELD. How much was that—\$83?

Mr. STONE. \$82 and a few cents, I think. I have not a memorandum of it.

Senator POMERENE. Do you say that you have, or you have not?

Mr. STONE. I have not.

Senator POMERENE. Who else?

Mr. STONE. W. T. Porter.

Senator POMERENE. How much?

Mr. STONE. \$80.

Senator POMERENE. Was that in addition to the \$25 you gave him?

Mr. STONE. Yes, sir.

Senator POMERENE. Anyone else?

Mr. STONE. That is all.

Senator POMERENE. That is \$302?

Mr. STONE. \$302.

Senator POMERENE. That would leave \$47.50, except that you gave some odd cents, or something of the kind.

Mr. STONE. I have not the exact amounts there; but I issued a personal check, I know, for each one.

Senator POMERENE. Here are the items. You are accounting now for \$349.50.

Mr. STONE. Is that the right accounting—\$349?

Senator POMERENE. I think that is what you gave here. That is what the counsel seems to have as the amount.

Mr. BLACK. \$349.50.

Senator POMERENE. You told us just now that of that you paid \$140 to Fridley, \$82 plus to John Craig, and \$80 to W. T. Porter.

Mr. STONE. Well, I must be mistaken as to those amounts, then.

Senator POMERENE. Did that amount all go to these three men?

Mr. STONE. Yes, sir.

Senator POMERENE. You are sure of that?

Mr. STONE. Yes, sir.

The CHAIRMAN. The amounts that you have given are in accordance with the corrected statement which you made when you testified before the joint committee?

Mr. STONE. Yes, sir.

Senator POMERENE. Have you any means of refreshing your memory as to what became of this other \$500 or \$600?

Mr. LITTLEFIELD. It is somewhere about \$600 or \$630.

The CHAIRMAN. It is really \$629.50. That is the real sum.

Senator POMERENE. Of this \$2,500 about \$600 has been accounted for.

Mr. STONE. Yes; \$630, I think.

Senator POMERENE. Then, assuming that your figures of the amounts paid to Fridley, Craig, and Porter are approximately correct, that leaves a balance of \$47.50 unaccounted for.

Mr. STONE. Excuse me, Senator—

Senator POMERENE. Have you any way of refreshing your memory as to where that went?

Mr. STONE. I can certainly look up and find where this \$47 went of the Craig and Fridley item that you speak of, because the checks were issued for that amount. It has simply slipped my mind as to the exact amount each one had. But I have not any means of refreshing my memory as to the balance.

Senator POMERENE. I think that is as far as I care to ask.

The CHAIRMAN. That is all.

Mr. LITTLEFIELD. Just a few questions, Mr. Stone.

You had some conversation with Senator Stephenson prior to your making the arrangement with Mr. Edmonds in Milwaukee?

Mr. STONE. Yes, sir.

Mr. LITTLEFIELD. You were in Marinette?

Mr. STONE. I was.

Mr. LITTLEFIELD. For what purpose were you at Marinette?

Mr. STONE. I was up there on official duty—official work.

Mr. LITTLEFIELD. You were not called there by the Senator?

Mr. STONE. No, sir.

Mr. LITTLEFIELD. There was nothing political in the occasion for your trip?

Mr. STONE. No, sir. I did not know he was there until the next morning.

Mr. LITTLEFIELD. Did you see the Senator?

Mr. STONE. I did.

Mr. LITTLEFIELD. State whether at that time you were or were not friendly to the Senator and his candidacy?

Mr. STONE. I was.

Mr. LITTLEFIELD. Were you or were you not at that time a supporter of his?

Mr. STONE. Yes, sir.

Mr. LITTLEFIELD. State briefly just what conversation you had with the Senator.

Mr. STONE. I dropped into his office and shook hands with him, and asked him if the report was true that he was a candidate for re-election. He said he was. Then—I do not know; the ordinary conversation took place that one would naturally have under those conditions, and before I left I told him that what little I could do I would be glad to do for him.

Mr. LITTLEFIELD. Was anything said in that conversation, either by yourself or by the Senator, with reference to any sum of money that you might receive for use in the campaign?

Mr. STONE. No, sir.

Mr. LITTLEFIELD. No sum of money was mentioned?

Mr. STONE. No money was mentioned at all.

Mr. LITTLEFIELD. The next thing that occurred was the conversation that you had with Mr. Edmonds in Milwaukee?

Mr. STONE. Yes, sir.

Mr. LITTLEFIELD. As the result of that conversation, Mr. Sacket brought in \$2,500 and gave it to you?

Mr. STONE. Yes, sir.

Mr. LITTLEFIELD. Do you recollect whether or not, in the course of that conversation, you discussed the question as to how much you could use in the campaign, or how much it was suggested that you might use?

Mr. STONE. I think we agreed upon——

Senator POMERENE. You are directing his attention now to a talk with Mr. Edmonds?

Mr. LITTLEFIELD. Yes. Did you not suggest to Mr. Edmonds the amount of \$2,500?

Mr. STONE. I think so.

Mr. LITTLEFIELD. You suggested that to him, and after discussion that amount was fixed upon? Is that correct?

Mr. STONE. Yes, sir.

Mr. LITTLEFIELD. That was the first time, was it not, that the amount you were to receive was suggested or discussed by anybody?

Mr. STONE. That was the only time.

Mr. LITTLEFIELD. Did you have any conversation at all with the Senator except the conversation that you have now testified to that occurred in Marinette?

Mr. STONE. No, sir.

Mr. LITTLEFIELD. That was the only time you saw him during the campaign?

Mr. STONE. Yes, sir.

Mr. LITTLEFIELD. And it was the only talk you had with him? Is that right?

Mr. STONE. Yes, sir.

Mr. LITTLEFIELD. What was said about the use to which this \$2,500 was to be put by you, or the purpose for which you were to use it?

Senator POMERENE. What was said by whom?

Mr. LITTLEFIELD. What was said in your conversation with Mr. Edmonds?

Mr. STONE. It was to be used to further the political interests of Senator Stephenson throughout the State.

Mr. LITTLEFIELD. Was anything discussed as to the details of the use, as to how it would be used, or as to what particular things were to be done?

Mr. STONE. I do not know as to that. I presume it was, but I do not remember now.

Mr. LITTLEFIELD. As I understand it, you have accounted for all of this money that you can account for, Mr. Stone?

Mr. STONE. Yes, sir.

Mr. LITTLEFIELD. Did you spend any money in this campaign, either directly or indirectly, for the purpose of bribing or corruptly or unlawfully influencing any electors for the support of the Senator in the primary election?

Mr. STONE. No, sir.

Mr. LITTLEFIELD. Was any money expended, to your knowledge, by any of the men to whom you intrusted these funds as you have described, either directly or indirectly, for the purpose of bribing or corruptly or unlawfully influencing any voters in that election in the interest of Senator Stephenson?

Mr. STONE. Not to my knowledge.

Mr. LITTLEFIELD. That is all, Mr. Stone.

The CHAIRMAN. You will be excused for the present. Remain in attendance, Mr. Stone.

Mr. STONE. Yes, sir.

The CHAIRMAN. Is Mr. William R. Knell present?

(There was no response.)

Mr. LITTLEFIELD. I think you will have no trouble in reaching Mr. Knell by telephone. He spoke to me once or twice, inquiring whether he would be required to be in attendance constantly; and he told me he was where he could be telephoned to. I do not know where that is.

TESTIMONY OF RICHARD J. WHITE.

RICHARD J. WHITE, having been previously sworn, testified as follows:

The CHAIRMAN. Mr. White, where do you reside?

Mr. WHITE. In Milwaukee.

The CHAIRMAN. What is your address in the city of Milwaukee?

Mr. WHITE. 379 Newhall Street.

The CHAIRMAN. How long have you resided in the city of Milwaukee.

Mr. WHITE. I have lived here all my life, Senator.

The CHAIRMAN. What is your occupation or business?

Mr. WHITE. I am a traveling salesman.

The CHAIRMAN. Do you know Henry Overbeck?

Mr. WHITE. Very well, sir.

The CHAIRMAN. In what way, if at all, are you related to Henry Overbeck?

Mr. WHITE. I am not related to him.

The CHAIRMAN. I believe your brother is related to Mr. Overbeck, is he not?

Mr. WHITE. My brother is a brother-in-law of Mr. Overbeck's.

The CHAIRMAN. Did you take any part in the campaign of 1908, in which Senator Stephenson was a candidate for nomination for United States Senator?

Mr. WHITE. Yes, sir.

The CHAIRMAN. What part did you take?

Mr. WHITE. I stayed here in Milwaukee County and assisted Mr. Knell.

The CHAIRMAN. When did you first interest yourself in that work?

Mr. WHITE. Along about the 1st of July.

The CHAIRMAN. By whom were you engaged?

Mr. WHITE. Mr. Puelicher sent for me first, and wanted to know if I would stay here and assist Mr. Knell. I told him that I would, providing arrangements could be made so that I could go to Sturgeon Bay every Sunday, where my family were then stopping.

The CHAIRMAN. Did you ever meet Senator Stephenson in regard to the matter?

Mr. WHITE. No, sir; I did not.

The CHAIRMAN. You had no arrangement or conference with him?

Mr. WHITE. No, sir.

The CHAIRMAN. Did Mr. Knell hold any office at that time?

Mr. WHITE. Yes, sir. He was sheriff of this county at that time.

The CHAIRMAN. He was sheriff during all of that campaign?

Mr. WHITE. Yes, sir.

The CHAIRMAN. How much money did you receive from the campaign fund, to be handled by you, during that campaign?

Mr. WHITE. All the money that I received was \$500 for my own personal expenses; that is, I received \$350, as Mr. Knell stated in his report, and \$150 from Mr. Puelicher, to pay my expenses to and from Sturgeon Bay.

Mr. LITTLEFIELD. That is, two items of \$350 and \$150?

Mr. WHITE. Yes, sir.

The CHAIRMAN. How much money did you pay out on behalf of Senator Stephenson in that campaign?

Mr. WHITE. I paid out no money, Senator, with this exception: Occasionally Mr. Knell would leave the office; and, expecting some one of the ward workers to come in whom he had arranged to give \$50 or \$75, he would leave the money with me to hand to them when they would come in.

The CHAIRMAN. You expended about \$350 personally, did you?

Mr. WHITE. Yes, sir—that is, according to Mr. Knell's statement. I kept no account of the money which I received from Mr. Knell.

The CHAIRMAN. His statement is correct in regard to these expenditures by you?

Mr. WHITE. Yes, sir. I presume so; yes, sir.

The CHAIRMAN. You say you did not pay out any money to people to work at the polls except as you happened to be at the office and the ward workers came in?

Mr. WHITE. Yes, sir; and money that was handed to me to give to those parties as they came in when Mr. Knell was out.

The CHAIRMAN. You were merely authorized by Mr. Knell to hand the money to these people?

Mr. WHITE. Yes.

The CHAIRMAN. You did not give any instructions as to its expenditure?

Mr. WHITE. No, sir.

The CHAIRMAN. You were not acting on your own responsibility in that matter?

Mr. WHITE. No, sir.

The CHAIRMAN. Do you know a man by the name of Mr. Shields?

Mr. WHITE. Yes.

The CHAIRMAN. Did you ever see him or meet him?

Mr. WHITE. Yes, sir.

The CHAIRMAN. Where?

Mr. WHITE. In Milwaukee.

The CHAIRMAN. When?

Mr. WHITE. I met him here at Milwaukee along about the fore part of February, I think.

The CHAIRMAN. In what year?

Mr. WHITE. 1909.

The CHAIRMAN. Did you take an active part or any part in the conduct of affairs at Madison during the time of the senatorial contest in 1909?

Mr. WHITE. I was out there the last few days before Senator Stephenson was elected.

The CHAIRMAN. Did you have a conference with Robert Shields—I believe you call him “Bob Shields,” or somebody does—in regard to Senator Stephenson’s election at Madison?

Mr. WHITE. I do not know whether or not you would call it a conference, Senator. We, Mr. Stephenson’s friends, used to kind of get together and talk over the situation.

The CHAIRMAN. Was Mr. Shields there at the time of the election of Senator Stephenson?

Mr. WHITE. Yes, sir.

The CHAIRMAN. You were there also?

Mr. WHITE. Yes, sir.

The CHAIRMAN. How long had Mr. Shields been there at that time?

Mr. WHITE. That I do not know, Senator.

The CHAIRMAN. How long had you been there?

Mr. WHITE. I think, if I remember correctly, I went to Madison either the Sunday night or the Monday morning before Mr. Stephenson was elected.

The CHAIRMAN. On what day of the week was the election?

Mr. WHITE. It was on the 4th of March. That was either Thursday or Friday.

The CHAIRMAN. You had been there about how many days before the election?

Mr. WHITE. I was there from either Sunday night or Monday morning.

The CHAIRMAN. That would be about four days?

Mr. WHITE. Yes, sir.

The CHAIRMAN. Mr. Shields was there during all of that time, was he not?

Mr. WHITE. Yes, sir; I think he was.

The CHAIRMAN. Did you have any conference with Mr. Shields in regard to the election of Senator Stephenson?

Mr. WHITE. I talked it over with him and the rest of the boys who were there interested in Mr. Stephenson’s behalf.

The CHAIRMAN. Let us confine the testimony at this time to Mr. Shields. What conversation did you have with Mr. Shields?

Mr. WHITE. I do not just remember, Senator, what conversation I had; but I know it was——

The CHAIRMAN. I will ask you some specific questions in the interest of getting at the point. Did Mr. Shields tell you that he had been to Washington and had seen Senator Stephenson in regard to the matter of his election?

Mr. WHITE. No, sir; he did not.

The CHAIRMAN. Did you hear it said at that time that Mr. Shields had been to Washington?

Mr. WHITE. No, sir; I did not.

The CHAIRMAN. Did you at any time hear that Mr. Shields had made a trip to Washington to see Senator Stephenson for any purpose?

Mr. WHITE. No, sir; I did not.

The CHAIRMAN. About that time?

Mr. WHITE. No, sir.

The CHAIRMAN. You did not hear it mentioned?

Mr. WHITE. No, sir.

The CHAIRMAN. And he never told you——

Mr. WHITE. No, sir; he did not.

The CHAIRMAN. He never told you that he was representing Senator Stephenson there at Madison?

Mr. WHITE. No, sir.

The CHAIRMAN. Did you know, from any source, that Mr. Shields was representing Senator Stephenson at Madison at that time?

Mr. WHITE. I can only answer that question in this way: I was under the impression that Mr. Shields was there just exactly as I was myself—doing what he could in the interest of Senator Stephenson.

The CHAIRMAN. You understood he was there in the interest of Senator Stephenson?

Mr. WHITE. Of course, I made up my mind that he was there in the interest of Senator Stephenson, just the same as all of the boys were who were there.

The CHAIRMAN. You say in your testimony (on p. 352) in relation to Shields:

I don't know whether I was taken into their councils or not. We used to sit down and talk over the situation and one thing and another.

You meant by that that you talked over the senatorial situation?

Mr. WHITE. Yes, sir.

The CHAIRMAN. That was in response to this question:

Is it not a fact that during the time when the election of Isaac Stephenson was in the balance you conferred with Bob Shields and with Overbeck and with Wayland and all the other men and were taken into their councils and consulted with them in regard to the election of Isaac Stephenson?

Then you replied as I have read?

Mr. WHITE. Yes, sir.

The CHAIRMAN. Did you receive any money for your expenses while you were at Madison?

Mr. WHITE. No, sir; I did not—not a penny.

The CHAIRMAN. Do you know of three members of the house being absent at the time the vote was taken?

Mr. WHITE. Yes, sir.

The CHAIRMAN. Your attention was called to that on the day the vote was taken, was it not?

Mr. WHITE. Yes, sir.

The CHAIRMAN. Who called it to your attention?

Mr. WHITE. I can not tell you who called my attention to it, but it was common talk around the legislature.

The CHAIRMAN. You heard that from Mr. Shields, or discussed it with Mr. Shields, did you not?

Mr. WHITE. No, sir; I did not.

The CHAIRMAN. Did you not hear him speak of it?

Mr. WHITE. No, sir; I do not believe I did.

The CHAIRMAN. Did you hear Mr. Overbeck speak of it?

Mr. WHITE. My memory is not clear on that point, Senator. I would not want to say whether I did or whether I did not.

The CHAIRMAN. You and Mr. Overbeck were well acquainted?

Mr. WHITE. Yes, sir.

The CHAIRMAN. You talked very freely about everything that happened there, I suppose?

Mr. WHITE. Yes, sir.

The CHAIRMAN. Was that true also of Mr. Wayland? You know Mr. Wayland very well?

Mr. WHITE. Yes, sir. I did not talk to Mr. Wayland in regard to the situation.

The CHAIRMAN. You say you did talk to him?

Mr. WHITE. Not very much; no, sir.

The CHAIRMAN. You talked more with Overbeck, did you?

Mr. WHITE. Yes, sir.

The CHAIRMAN. As a matter of fact, you and Overbeck and Wayland were rather working together there in the interest of Senator Stephenson? You were all there for that purpose, were you not?

Mr. WHITE. Yes, sir.

The CHAIRMAN. On the day upon which the election occurred?

Mr. WHITE. Yes, sir.

The CHAIRMAN. And you took note, of course, of the absence of these three house members?

Mr. WHITE. Yes, sir.

The CHAIRMAN. You discussed the effect of their absence there, did you not, at that time? You discussed the fact that had they been present it would have changed the result of the election?

Mr. WHITE. Only in an ordinary way.

The CHAIRMAN. You rather rejoiced over it, did you not?

Mr. WHITE. Yes. I was very anxious to see Mr. Stephenson elected.

The CHAIRMAN. And his election was brought about by the absence of those three men? Is not that true?

Mr. WHITE. Well, now, if I remember correctly, there was one of those members that was paired.

The CHAIRMAN. There were three Democrats that were absent?

Mr. WHITE. Yes, sir.

The CHAIRMAN. Had those three Democrats been present Senator Stephenson would not have received a sufficient number of votes to constitute a majority, would he?

MR. LITTLEFIELD. Does not the chairman want to insert the words "and voted"? Because, of course, if they were present and did not vote——

The CHAIRMAN. Of course. That is carried with it.

MR. WHITE. If those three members were in their seats and voting, the vote would have stood 63 to 63.

The CHAIRMAN. And there would have been no election?

MR. WHITE. But one of those members was paired.

The CHAIRMAN. Are you sufficiently familiar with the condition of affairs in this State to say whether or not a pair is permissible on the vote for a United States Senator?

MR. WHITE. Will you allow me to make an explanation of that, Senator?

The CHAIRMAN. Yes; I shall be glad to have you make it.

MR. WHITE. On the 3d of March there were 125 votes cast. Out of that number of 125 votes, Mr. Stephenson received 63 votes. After the roll had been called, Assemblyman Buslett, from the second district in Waupaca County, rose in his seat and wanted to know from the presiding officer if Mr. Brown had voted. As I remember it, he was told that Mr. Brown did not vote. He said that he had paired his vote with Mr. Brown, and wanted to know if he could withdraw it; and he was allowed to withdraw that vote. That was how I came to suggest to Mr. Overbeck that he ought to try to get Mr. Fenelon, of Ripon, to pair with someone. That is the only explanation I can give.

The CHAIRMAN. You made that suggestion. Was your suggestion acted upon?

MR. WHITE. The suggestion to have Mr. Fenelon pair with someone?

The CHAIRMAN. Yes.

MR. WHITE. Yes, sir.

The CHAIRMAN. With whom did he pair?

MR. WHITE. He paired with Mr. Ramsey.

The CHAIRMAN. Did Mr. Ramsey know that he was paired with this man? Is it not a fact that Ramsey was not advised of the fact that he was paired, and that he went out thinking that by going out he would accomplish just what was accomplished?

MR. WHITE. If I remember correctly, I think Mr. Fenelon sent Mr. Ramsey a telegram the morning of March 4.

The CHAIRMAN. Is it not charged that that telegram was a forgery?

MR. WHITE. If it is so charged, I have never heard so, Senator.

The CHAIRMAN. Have you never heard that it was charged that that telegram was what was denominated a "fake" telegram?

MR. WHITE. No, sir; I never heard that.

The CHAIRMAN. Where were you with reference to the room or hall in which these three members were when they started to separate themselves from the legislature?

MR. WHITE. Where was I?

The CHAIRMAN. Yes; how close to them?

MR. WHITE. I was standing back in what they call the lobby of the legislature.

The CHAIRMAN. They came out your way, did they?

MR. WHITE. If they did, I did not see them.

The CHAIRMAN. Did you see them leave the hall?

Mr. WHITE. I do not think I did; no, sir.

The CHAIRMAN. I will ask you whether you saw either of those three members during the time they were absent from the hall about the time the vote was being taken?

Mr. WHITE. Do I understand, Senator, that your question is whether I saw any of those members from the time they left the hall until after the vote was taken?

The CHAIRMAN. Yes.

Mr. WHITE. No, sir; I did not.

The CHAIRMAN. You can not state where they were then?

Mr. WHITE. No, sir; I can not.

The CHAIRMAN. But you know they were not on the floor?

Mr. WHITE. Yes, sir; I know they were not on the floor.

The CHAIRMAN. Where was Mr. Shields during the time the vote was being taken? Was he with you—alongside of you?

Mr. WHITE. That I could not say. I do not remember.

The CHAIRMAN. Can you not recall seeing him during that time?

Mr. WHITE. He might have been there, but I would not want to say that he was.

The CHAIRMAN. Or is it a fact that he was with these three men?

Mr. WHITE. That I do not know. I do not remember that.

The CHAIRMAN. You can not remember that he was out in the portion of the hall or the lobby where you were?

Mr. WHITE. I would not want to say that he was there or was not there, because I do not remember.

The CHAIRMAN. When did you first see Mr. Shields after the vote which elected Senator Stephenson was taken?

Mr. WHITE. Mr. Overbeck wanted me to bring him the vote over to the telegraph office—

Senator POMERENE. To bring the vote to whom?

Mr. WHITE. To him—Mr. Overbeck.

The CHAIRMAN. Mr. Overbeck did not stay in the hall while the vote was being taken?

Mr. WHITE. No, sir.

The CHAIRMAN. He went to the telegraph office, so as to communicate with Senator Stephenson?

Mr. WHITE. With Senator Stephenson; yes. Right after the vote was announced, I walked over to the telegraph office, and gave Mr. Overbeck the vote, I think, which was 60 to 63.

The CHAIRMAN. How far was it from where you were in the lobby to the telegraph office?

Mr. WHITE. I should say about a block; possibly a block and a half.

The CHAIRMAN. Did Mr. Shields go with you?

Mr. WHITE. No; I do not believe he did. In fact, I know he did not.

The CHAIRMAN. He remained at the legislative hall, did he?

Mr. WHITE. I do not know whether he was there or not. I would not want to say whether he was there or not.

The CHAIRMAN. But you have said he was there while the vote was being taken.

Mr. WHITE. Who? Mr. Shields?

The CHAIRMAN. Yes.

MR. WHITE. Oh, no, Senator! You asked me the question whether he was there where I was. I said I did not know whether he was or was not.

The CHAIRMAN. I was referring to his exact position. I understood you earlier to say that Mr. Shields was there at the time the vote was taken. Am I mistaken in that?

MR. WHITE. I do not think I said that. He might have been there; but I would not want to say he was, because I am not sure about that.

The CHAIRMAN. When did you next see these three absentees after the vote was taken?

MR. WHITE. I think I saw Mr. Ramsey and Mr. Farrell that night. Mr. Towne I did not know.

The CHAIRMAN. Did you have a conversation with Mr. Ramsey or Mr. Farrell?

MR. WHITE. I did not with Mr. Ramsey; but as to Mr. Farrell, he and Assemblyman Hughes were in the Park Hotel, and they were arguing about the election of Senator Stephenson. I walked up to them, knowing both of them very well. They had quite an audience around there listening to their argument. I walked up to them and told them to come on and we would go and get a cigar, and to keep still.

The CHAIRMAN. What was the political affiliation of Mr. Hughes?

MR. WHITE. He was a Democrat.

The CHAIRMAN. These two Democrats were sparring, were they, over the absence or the act of these men in absenting themselves?

MR. WHITE. Yes.

The CHAIRMAN. And Mr. Hughes was calling Mr. Farrell to account for having been absent?

MR. WHITE. Yes; I think——

The CHAIRMAN. Charging him with being responsible for the election of Senator Stephenson?

MR. WHITE. I think that is about what they were talking about.

The CHAIRMAN. What did Mr. Farrell say about it?

MR. WHITE. He and Mr. Hughes were arguing there.

The CHAIRMAN. Did he justify himself, or admit that he had been absent and had brought about that result?

MR. WHITE. I do not know whether he justified himself or not.

The CHAIRMAN. Did he attempt to do it?

MR. WHITE. I think so; because they were both arguing when I went into the Park Hotel.

The CHAIRMAN. You took them away in the interest of harmony?

MR. WHITE. Yes. They were——

MR. LITTLEFIELD. They were what?

The CHAIRMAN. And to disperse this crowd? Is that it?

MR. WHITE. Yes.

The CHAIRMAN. Where did you take them?

MR. WHITE. I took them back, and we had a cigar.

The CHAIRMAN. You took them back to the bar?

MR. WHITE. Yes.

The CHAIRMAN. Was any conversation indulged in after you went back there?

MR. WHITE. No, sir. We walked back there, and we had a cigar; and I think Mr. Hughes and Mr. Farrell separated, as I remember it.

The CHAIRMAN. Are you quite sure that they did not continue the conversation?

Mr. WHITE. I do not think they did.

The CHAIRMAN. Did you talk with Mr. Farrell?

Mr. WHITE. I talked to both of them.

The CHAIRMAN. What did Mr. Farrell say as to his having been absent at that time?

Mr. WHITE. I do not remember what he did say.

The CHAIRMAN. What was the nature of his statement?

Mr. WHITE. I do not remember anything about that.

The CHAIRMAN. If you remember that you talked together, you would know whether or not it was a friendly talk.

Mr. WHITE. They were the ones who were doing the talking when I went into the Park Hotel. They were standing right in front of the clerk's desk.

The CHAIRMAN. Your object in taking them away was that this subject might not be discussed in public—that is, the question of the absence of these men?

Mr. WHITE. Well, they were quarreling among themselves, and they had quite an audience, and I wanted to get them away from there. They were both Irish, and I do not like to stand around and hear a lot of Irishmen quarreling among themselves.

The CHAIRMAN. Mr. White, you realize that it is quite important, or may be important, to know why those three men absented themselves?

Mr. WHITE. Yes, sir.

The CHAIRMAN. And that any statements they made would be pertinent in an inquiry directed to finding out why they absented themselves?

Mr. WHITE. Yes, sir.

The CHAIRMAN. Give us just as full information as you can in regard to any statement made there after they returned, or at any time, as to why they were absent.

Mr. WHITE. Senator, I could not give any statement, because I do not remember just what the argument was.

The CHAIRMAN. You were at Madison for the sole purpose of keeping tab on that election, were you not?

Mr. WHITE. Not necessarily; no, sir.

The CHAIRMAN. You were certainly at the legislative hall for that purpose.

Mr. WHITE. Yes, sir.

The CHAIRMAN. You had no other business there?

Mr. WHITE. No, sir.

The CHAIRMAN. And it was the most interesting question to you or before your mind at that time, was it not? I refer to the election and the things connected with it.

Mr. WHITE. Yes. I wanted to——

The CHAIRMAN. You knew the election had been brought about by a peculiar circumstance, viz, the absence of three Democrats?

Mr. WHITE. Yes.

The CHAIRMAN. You are a Republican?

Mr. WHITE. Yes.

The CHAIRMAN. And you knew that that had resulted in the election of a man in whose interest you were there?

Mr. WHITE. Yes.

The CHAIRMAN. Surely you must have some recollection of the conversation—either the language or the substance of it. Give it to us.

Mr. WHITE. Senator, it was not a conversation. They were simply censuring each other for what had been going on in the legislature.

The CHAIRMAN. That is what I supposed. What were they saying?

Mr. WHITE. could not tell you. I do not remember. If I knew, I would tell you without your asking me. I realize that you want every word of information on this point, and I would be glad to give it if I could remember it.

The CHAIRMAN. The country is interested in the establishment of the validity of the election of a United States Senator.

Mr. WHITE. Yes.

The CHAIRMAN. The establishment of the validity of this election is a matter of the first interest.

Mr. WHITE. Yes.

The CHAIRMAN. If any citizen has any information that will assist in that, it is his duty to give it to us.

Mr. WHITE. Yes.

The CHAIRMAN. When did you leave Madison after the election?

Mr. WHITE. I think I left Madison the next morning after the election.

The CHAIRMAN. At that time was not your mind awakened to the importance of the absence of these three men?

Mr. WHITE. Well, I knew that Mr. Ramsey had paired with Mr. Fenelon.

The CHAIRMAN. That is only as to Mr. Ramsey.

Mr. WHITE. I knew nothing at all about Mr. Towne. I did not know Mr. Towne. I never spoke a word with the man in my life until after I went before the investigating committee. I was introduced to him after I had testified before that committee by Mr. Hamill, who was a member of the legislature.

The CHAIRMAN. But you did know Mr. Farrell?

Mr. WHITE. Yes.

The CHAIRMAN. You knew him well?

Mr. WHITE. Yes. He was from our district?

The CHAIRMAN. He was your representative in that legislative body?

Mr. WHITE. Yes.

The CHAIRMAN. And he had not voted on this great question. Did you ask him why he had not voted?

Mr. WHITE. No; I did not.

The CHAIRMAN. Never?

Mr. WHITE. I do not believe I ever asked Mr. Farrell that question.

The CHAIRMAN. Has Mr. Farrell never discussed the question with you?

Mr. WHITE. No; he has not.

The CHAIRMAN. Not even in view of the fact that he is charged with being responsible for the defeat of his party organization, and that his action was in the interest of the opposition party? He never talked about it with you?

Mr. WHITE. No; I do not believe he has. I do not remember any conversation that I ever had with Mr. Farrell pertaining to his leaving the legislature.

The CHAIRMAN. Do you know whether Mr. Shields remained in Madison after you left?

Mr. WHITE. That I do not know.

The CHAIRMAN. When did you last see Mr. Shields in Madison during this time?

Mr. WHITE. I think the last time I saw him, if I remember correctly, was that night.

The CHAIRMAN. Did you talk to him about this occurrence—about the absence of these three men?

Mr. WHITE. If I did, it was only in a general way. Everybody was talking about it. It was only in a general way.

The CHAIRMAN. It was a general subject of conversation that night?

Mr. WHITE. Yes.

The CHAIRMAN. The election took place at noon, did it not?

Mr. WHITE. Yes.

The CHAIRMAN. They commenced voting at 12 o'clock?

Mr. WHITE. Yes.

The CHAIRMAN. And you had all of the afternoon and that night in which to participate or listen to a discussion of this question?

Mr. WHITE. Yes.

The CHAIRMAN. It was the all-absorbing question?

Mr. WHITE. Yes.

The CHAIRMAN. The absence of those three men?

Mr. WHITE. Yes.

The CHAIRMAN. It was an epoch in the history of the State of Wisconsin?

Mr. WHITE. Yes.

The CHAIRMAN. Was it charged openly that these men had been bribed to absent themselves?

Mr. WHITE. Of course there were a lot of reports around there about different fellows being approached.

The CHAIRMAN. I want to confine the answer to the three men who were absent.

Mr. WHITE. I do not remember about any of those fellows in particular being accused of having been bribed.

The CHAIRMAN. What was this man Hughes saying to Farrell in a loud voice?

Mr. WHITE. He was censuring Farrell, if I remember correctly, for not staying in and voting, and Farrell was giving back to Hughes his reasons for not staying.

The CHAIRMAN. If you can remember that he was giving his reasons, give us the nature of those reasons.

Mr. WHITE. That was about the conversation that they were having. They were quarreling there; one was accusing the other.

The CHAIRMAN. You say he was giving his reasons. Was he giving sickness as a reason?

Mr. WHITE. No; he was not.

The CHAIRMAN. If you remember that he was giving reasons, you can doubtless cast your mind back and recall the reasons that he was urging in his defense.

Mr. WHITE. I could not give any of them.

The CHAIRMAN. You can give the substance of that conversation, can you not?

Mr. WHITE. No; I can not.

The CHAIRMAN. Otherwise, you would not remember that he was defending himself.

Mr. WHITE. I did not stay there. I walked into the Park Hotel, and I noticed that Farrell and Hughes were there. I did not stand there and talk to them a minute.

The CHAIRMAN. Why should you break up that conversation? What relation did you bear to these men that you should come in and break up the conversation?

Mr. WHITE. They were both friends of mine, and they were there arguing and quarreling about the election of Senator Stephenson. I walked up there, the same as I would with anybody who was a friend of mine, and tried to quiet them.

The CHAIRMAN. Were you the only man present who was a friend of those men?

Mr. WHITE. There were a number of men standing around there. I do not know just exactly whether they were friends of these men or not.

The CHAIRMAN. Who were the men standing around?

Mr. WHITE. That I could not say.

The CHAIRMAN. Can you not give us the name of one of them?

Mr. WHITE. I could not name a man.

The CHAIRMAN. I am going to ask you a very straight question: Did you not break up the wrangle between those men in order that the facts in regard to the absence of Farrell might not be made a matter of public discussion?

Mr. WHITE. No; I did not.

The CHAIRMAN. Were you looking right at those men when they walked out of the legislative hall?

Mr. WHITE. No; I was not.

The CHAIRMAN. When did you first know they had gone out?

Mr. WHITE. I knew they had gone out when they did not answer the roll call. I think that is my first intimation that they were not in their seats. However, I knew that Mr. Ramsey had been paired with Mr. Fenelon, as I said before.

The CHAIRMAN. How did you know that?

Mr. WHITE. I saw the telegram that he received from Mr. Fenelon in the morning.

The CHAIRMAN. What did that telegram say? Tell us its contents.

Mr. WHITE. I think the telegram simply asked Mr. Ramsey if he would pair with him on the vote for United States Senator on that day.

The CHAIRMAN. Did Mr. Ramsey answer it?

Mr. WHITE. I think he did; yes, sir.

The CHAIRMAN. There is a law in Wisconsin, is there not, that requires pairs to be recorded in legislative bodies?

Mr. WHITE. I think there is; yes, sir.

The CHAIRMAN. And that provides that a pair that is not recorded shall not be acted upon or have any validity?

Mr. LITTLEFIELD. Does the chairman mean a statute?

The CHAIRMAN. I am asking this witness. I was so informed to-day. I have not looked at it.

Mr. WHITE. I do not know, Senator, in regard to that.

The CHAIRMAN. You do know that the law requires them to be recorded, do you not?

Mr. WHITE. Yes, sir.

The CHAIRMAN. Ramsey did not intend to recognize this pair at all, did he? Did you have a talk with him?

Mr. WHITE. No, sir.

The CHAIRMAN. You do not know whether Ramsey accepted this proffer of a pair or not, do you?

Mr. WHITE. Only that I believe he did, on account of not being in his seat.

The CHAIRMAN. Who had the telegram that you saw?

Mr. WHITE. Mr. Ramsey had it himself.

The CHAIRMAN. Did he show you the telegram?

Mr. WHITE. No, sir; he did not.

The CHAIRMAN. How did you come to see it?

Mr. WHITE. He was reading it, and I saw it over his shoulder.

The CHAIRMAN. Oh, you did?

Mr. WHITE. Yes, sir.

The CHAIRMAN. What did it say?

Mr. WHITE. It was a telegram from Mr. Fenelon, asking him if he would pair with him on the United States senatorship on that day; or words to that effect.

The CHAIRMAN. Give us the language of that telegram.

Mr. WHITE. I can give it to you only in that way, Senator.

The CHAIRMAN. What hour was this?

Mr. WHITE. I should judge that was about, may be, 10 o'clock in the morning.

The CHAIRMAN. Did Ramsey say he was going to accept the offer?

Mr. WHITE. I did not talk to him about it at all, Senator.

The CHAIRMAN. Did he say it to any other person?

Mr. WHITE. Not that I know of; no, sir.

The CHAIRMAN. So that you do not know that there was any pair? The mere sending of a telegram asking for a pair would not constitute a pair. You do not know that there was any pair, do you?

Mr. WHITE. I do not know that this telegram was answered, except in this way: That as long as he was not in his seat and voting, I drew my own conclusions that he did pair with Mr. Fenelon.

The CHAIRMAN. These other men were not in their seats voting. Did you conclude that they were paired, too?

Mr. WHITE. No, sir; I did not know anything about why they were not in their seats.

The CHAIRMAN. It is John Hughes to whom you refer?

Mr. WHITE. Yes.

The CHAIRMAN. He was a member of the legislature, was he not?

Mr. WHITE. Yes, sir.

The CHAIRMAN. There was some question about Mr. Fenelon being able to come before the committee and testify. Were you before the committee at that time?

Mr. WHITE. What committee do you mean, Senator?

The CHAIRMAN. The joint committee.

Mr. WHITE. No, sir; I was before the senate committee.

The CHAIRMAN. In connection with your statement as to that telegram, I will read the testimony of Mr. Ramsey, page 4073.

Mr. LITTLEFIELD. I think I must have the paging wrong in this book that I have before me, Mr. Chairman. I find Mr. Ramsey's statement in relation to the telegram on page 4065 of the edition I have.

The CHAIRMAN. Ramsey's testimony commences on page 4063, but I was looking at a particular reference. The matter is mentioned frequently. Here is the telegram, at page 4066. It is Exhibit 461, on a blank of the Western Union Telegraph Co. [Reading:]

Received at —.

14 paid.

RIPON, WIS., March 4, 1909.

THOMAS RAMSEY. *Assembly, Madison, Wis.*

Can't you pair with me on United States Senator? Am much better; papers' reports wrong.

JAMES FENELON.

That telegram is marked "11.01 a. m.," and on the other side "11.06," which would indicate the time of sending and receiving?

Mr. WHITE. Yes, sir.

The CHAIRMAN. The envelope of the Western Union Telegraph Co. was addressed to "Thomas Ramsey, Assembly."

On the next page, 4067, we have a copy of the telegram. It is Exhibit 462, dated Madison, March 4, 1909, addressed to Hon. James Fenelon, Ripon, Wis., and reads:

Your request to pair on United States Senator granted. Glad to hear of your improvement.

THOMAS F. RAMSEY.

That is marked "Copy."

At the proper time more of that testimony will be pertinent.

Mr. LITTLEFIELD. The chairman knows, of course, that Ramsey is now dead?

The CHAIRMAN. Yes; but in an examination of this kind a record, taken before an authorized body and under oath, would be——

Mr. LITTLEFIELD. Oh, I am not making any objection to it, Mr. Chairman.

The CHAIRMAN. Yes. We are advised that Ramsey is dead.

Mr. LITTLEFIELD. I am simply calling attention to the fact that he is dead.

The CHAIRMAN. Yes.

That telegram, so far as I have been able to discover, does not indicate that it was ever received or when it was sent. Mr. Fenelon appears to have been ill at the time this testimony was being taken.

Mr. LITTLEFIELD. Ramsey does not appear to have been asked, I think, about the time when he sent it—that is, as far as I have been able to run the record through.

The CHAIRMAN. Fenelon seems not to have been there.

Mr. LITTLEFIELD. No; I do not think he was called.

The CHAIRMAN. Is Mr. Fenelon living?

Mr. WHITE. Yes, sir; I believe he is.

The CHAIRMAN. He recovered from the illness?

Mr. WHITE. I do not know that he has altogether recovered, but I think he is better than he was.

The CHAIRMAN. The committee may make arrangements to have his testimony taken. I am advised that the physician's certificate states he is not able to respond to the subpoena of the committee.

In view of the fact that this witness was called out of order, because the witness we had proposed to examine did not respond, it becomes necessary to examine this testimony a little more closely before proceeding further with his examination.

Before adjourning, I will call Mr. Knell.

(Mr. Knell responded.)

The CHAIRMAN. You are in business in this city, are you, Mr. Knell?

Mr. KNELL. Yes, sir.

The CHAIRMAN. We have not insisted upon your continuous presence here, with the understanding that you would come forward when you were wanted.

Mr. KNELL. Yes.

The CHAIRMAN. We did call you, and it was the intention of the committee to examine you before examining those who were associated with you.

Mr. KNELL. Yes.

The CHAIRMAN. You will be the next witness after the one now on the stand, unless Mr. Shields should arrive.

Mr. KNELL. I have made arrangements with Mr. Smith to let me know.

The CHAIRMAN. I will have Mr. Shields called now. Is Mr. Shields present?

(There was no response.)

The CHAIRMAN. I make this statement in order that you may be prepared for early examination, Mr. Knell.

Mr. KNELL. I will be here.

The CHAIRMAN. The committee will stand adjourned until to-morrow at 10 o'clock a. m.

(Whereupon, at 4.30 o'clock p. m. the subcommittee adjourned until to-morrow, Friday, October 20, 1911, at 10 o'clock a. m.)

FEDERAL BUILDING, MILWAUKEE, WIS.,
Friday, October 20, 1911.

The subcommittee met at 10 o'clock a. m.

Present: Senators Heyburn (chairman) and Pomerene.

Present also: Mr. C. E. Littlefield, Mr. W. E. Black, and Mr. H. H. J. Upham, counsel for Senator Isaac Stephenson.

The CHAIRMAN. Let it be noted that Mr. Morgan is excused from attendance until Monday, October 23, 1911.

[The names of R. J. Shields, Wirt H. Cook, and E. H. Lyons were called.]

Mr. Cook responded, and the oath was administered by the chairman.]

The CHAIRMAN. Let a bench warrant issue for R. J. Shields.

TESTIMONY OF RICHARD J. WHITE—Resumed.

Senator POMERENE. Mr. White, what time did the joint session convene on March 4, when Senator Stephenson was elected?

Mr. WHITE. At 12 o'clock, I believe.

Senator POMERENE. That was the day on which the final ballot was taken?

Mr. WHITE. Yes.

Senator POMERENE. That was the day when these three Democrats absented themselves?

Mr. WHITE. Yes.

Senator POMERENE. Prior to 12 o'clock on that day, at what time did you see these three men?

Mr. WHITE. I never saw the three men at any time while I was at Madison.

Senator POMERENE. I do not mean by that that you saw them together. You saw these three men on this particular day, and before the session, did you not?

Mr. WHITE. Two of them, Mr. Farrell and Mr. Ramsey, I saw. Mr. Towne I did not know.

Senator POMERENE. You read this telegram over Mr. Ramsey's shoulder?

Mr. WHITE. Yes.

Senator POMERENE. Who was present at that time?

Mr. WHITE. There was not anybody present, as I remember, except that the members were walking back and forth.

Senator POMERENE. Were you engaged in conference with Mr. Ramsey at the time?

Mr. WHITE. No, sir.

Senator POMERENE. How did you happen to see this telegram?

Mr. LITTLEFIELD. If the Senator will excuse me, was that in the lobby or in the hall?

Senator POMERENE. I will ascertain. How did you happen to be there at this particular time, looking at this telegram?

Mr. WHITE. I was walking along there and I saw him reading a telegram, and, of course, I knew of Mr. Overbeck making arrangements to have Fenelon ask Mr. Ramsey to pair with him.

Senator POMERENE. How did Mr. Overbeck make that arrangement?

Mr. WHITE. I think he made it over the telephone.

Senator POMERENE. And with whom?

Mr. WHITE. With Mr. Reed, of Ripon.

Senator POMERENE. What is Mr. Reed's first name?

Mr. WHITE. I think Roy.

Senator POMERENE. And you heard this conversation?

Mr. WHITE. No; I did not.

Senator POMERENE. You just learned of that fact from Mr. Overbeck, did you?

Mr. WHITE. Yes.

Senator POMERENE. When was that? How long before you saw this telegram?

Mr. WHITE. I said on yesterday that it was about 10 o'clock that I saw Mr. Ramsey reading the telegram.

Senator POMERENE. That is true; but how long before that had you learned of the fact that Mr. Overbeck was making the arrangement of which you speak?

Mr. WHITE. The night before I suggested it to Mr. Overbeck.

Senator POMERENE. Oh, then you suggested the matter in the first instance?

Mr. WHITE. Yes; I suggested to Mr. Overbeck that we ought to try to get Fenelon to ask Ramsey to pair with him.

Senator POMERENE. After you had suggested it to Overbeck, did you have any talk with Ramsey on the subject?

Mr. WHITE. No; I did not.

Senator POMERENE. Did any of the Senator's friends, so far as you know?

Mr. WHITE. No; not that I know of.

Senator POMERENE. You were there as one of the counsellors looking after the interests of Senator Stephenson?

Mr. WHITE. Yes; I was there.

Senator POMERENE. With Mr. Overbeck?

Mr. WHITE. Yes.

Senator POMERENE. And Mr. Edmonds?

Mr. WHITE. I do not believe Mr. Edmonds was there.

Senator POMERENE. And Mr. Wayland?

Mr. WHITE. Mr. Wayland was there; yes, sir.

Senator POMERENE. Who else was there looking after his interests, especially? I mean, now, outside of the members of the legislature.

Mr. WHITE. Those men and Mr. Shields. There was not anybody there that I know of particularly outside of those you have named.

Senator POMERENE. Did you see this telegram in the hands of Mr. Ramsey inside of the chamber or outside of it?

Mr. WHITE. If I remember correctly, it was right near the coat room.

Mr. LITTLEFIELD. Is that off the lobby?

Mr. WHITE. Yes.

Senator POMERENE. After seeing this telegram, did you have any talk with Mr. Ramsey?

Mr. WHITE. No; I did not.

Senator POMERENE. Or did you have any talk with Mr. Farrell before the session?

Mr. WHITE. No, sir.

Senator POMERENE. Or with Mr. Towne?

Mr. WHITE. No; I did not know Mr. Towne.

Senator POMERENE. Did any of the men that you have named as being there in the interest of Senator Stephenson have any talk with any of these Democrats, to your knowledge?

Mr. WHITE. No; they did not.

Senator POMERENE. Did you learn from any of them that any of them had had any talk with them?

Mr. WHITE. No; I did not.

Senator POMERENE. Do you know whether Mr. Wayland had?

Mr. WHITE. No; I do not.

Senator POMERENE. I take it that after the members of the general assembly convened at 12 o'clock on this day, the first thing was a roll call?

Mr. WHITE. Yes.

Senator POMERENE. Were you in the chamber at the time of the roll call?

Mr. WHITE. No; I was out in the lobby.

Senator POMERENE. Did you have any information at that particular time that these men were likely to absent themselves?

Mr. WHITE. No; I did not.

Senator POMERENE. You had not heard that talked of?

Mr. WHITE. No, sir.

Senator POMERENE. You had heard some talk to the effect that the election was to be pulled off on this particular day, had you not?

Mr. WHITE. No; not any more than any other day. We thought Mr. Stephenson would be elected before.

Senator POMERENE. Do you mean to say that you had no more reason for feeling that he was to be elected on this particular day than on any other day during the contest?

Mr. WHITE. I do.

Senator POMERENE. You saw Mr. Ramsey leave the chamber, did you?

Mr. WHITE. No; I did not.

Senator POMERENE. Did he leave it before or after the roll call?

Mr. WHITE. I could not state that. I do not know.

Senator POMERENE. Or either of these other men—Towne or Farrell?

Mr. WHITE. I did not see any of them leave the chamber.

Senator POMERENE. Did you see any of them after they had left the chamber and before the balloting began?

Mr. WHITE. No.

Senator POMERENE. Where were you during the balloting?

Mr. WHITE. I was right back in the lobby.

Senator POMERENE. That is in the assembly hall?

Mr. WHITE. Yes; right back of it.

Senator POMERENE. In that portion of the chamber which is used by the public?

Mr. WHITE. Yes, sir.

Mr. LITTLEFIELD. If you will excuse me, Senator, I wish you would develop a little more clearly what the fact is in relation to the lobby. I am not familiar with the locus, and I would like to have you develop just what the lobby is, whether it is separated from the chamber, etc.

Senator POMERENE. Mr. White, describe this chamber.

Mr. WHITE. Back of the chamber proper there is a large room, which members and the public use, to walk in there and sit down.

Senator POMERENE. You say "a large room." Is it a part of this same room, or is it a separate and distinct room?

Mr. WHITE. There is a partition.

Senator POMERENE. And a doorway leading from that room into the chamber?

Mr. WHITE. Yes; into this large room.

Mr. LITTLEFIELD. The lobby is separated from the assembly chamber by a partition?

Mr. WHITE. Yes.

Senator POMERENE. Do you mean that from the lobby the spectators can see and hear what is going on in the chamber during the session?

Mr. WHITE. Only those who are right at the door.

Senator POMERENE. Then you were out in this outer room?

Mr. WHITE. Yes, sir.

Senator POMERENE. When did you first see Mr. Ramsey after the balloting had been completed?

Mr. WHITE. I do not know whether I saw him during that day or not. I do not believe I did, however.

Senator POMERENE. Was it not on that particular day that this controversy arose between Hughes and him?

Mr. WHITE. No, sir. There was no controversy that arose between Hughes and him. It was between Farrell and Hughes.

Senator POMERENE. Oh, yes; I am at fault in that. Was it on this same day that the controversy occurred between Hughes and Farrell?

Mr. WHITE. I think it was that night—that same evening.

Senator POMERENE. That same evening?

Mr. WHITE. Yes, sir.

Senator POMERENE. And that was at the Park Hotel?

Mr. WHITE. Yes, sir.

Senator POMERENE. Was Mr. Ramsey there at the time?

Mr. WHITE. No, sir; he was not. If he was, I did not see him.

Senator POMERENE. Was Mr. Towne there?

Mr. WHITE. No, sir; I did not know Towne.

Senator POMERENE. How many people were in the group where you heard this controversy between Farrell and Hughes?

Mr. WHITE. There were quite a number of people standing around there listening to them when I walked in.

Senator POMERENE. Name any of them.

Mr. WHITE. I can not name any of them, Senator. I do not remember the name of one that was around there.

Senator POMERENE. What was it that you heard that led you to take a part in the matter?

Mr. WHITE. They were in there talking to each other, and they were both mad, and I walked in the door and I saw them, and I walked up and took them by the arms, both of them, and I said: "Let's go and get a cigar."

Senator POMERENE. They were talking about these three Democrats being absent from the assembly?

Mr. WHITE. I think so; yes, sir.

Senator POMERENE. You know that to be so, do you not?

Mr. WHITE. I think so, Senator. If I were absolutely certain of it I would say so.

Senator POMERENE. That was the subject matter of the controversy?

Mr. WHITE. Yes, sir.

Senator POMERENE. And you remember enough of it to justify you in saying positively to us that they were talking about these three Democrats absenting themselves from the chamber?

Mr. WHITE. Yes, sir; yes, sir.

Senator POMERENE. What did Mr. Hughes say?

Mr. WHITE. I could not tell you, Senator.

Senator POMERENE. Give us the substance of it.

Mr. WHITE. I could not tell you. I tried to think that over last night after I left both of you gentlemen.

Senator POMERENE. What did Mr. Farrell say?

Mr. WHITE. I could not say, sir; I could not.

Senator POMERENE. Can you not give us anything that occurred?

Mr. WHITE. No, sir; because I just walked in and walked up to where they were, and I took both of them away into the barroom, and we had a cigar, and if I remember correctly we separated there.

Senator POMERENE. Did they separate and go in different directions or did you accompany one or the other of them?

Mr. WHITE. No, sir; I do not believe I accompanied either one of them.

Senator POMERENE. Did you have any talk with them in there?

Mr. WHITE. Only in a casual way.

Senator POMERENE. What did you say?

Mr. WHITE. I do not remember just what I said to them. We went in there and we had a cigar or something. I do not know just what they had.

Senator POMERENE. "Or something"?

Mr. WHITE. I do not know just exactly what they had, Senator; but I know I had a cigar.

Senator POMERENE. You asked them to have "a cigar or something," and then what?

Mr. WHITE. We had our cigar. If they had a drink—I do not know whether they took a drink or not. Whatever they did have, we turned around and went out, and I left them.

Senator POMERENE. You left them there at the bar?

Mr. WHITE. No, sir. We kind of walked out together and kind of separated.

Senator POMERENE. What became of the other men who were in the group with these two and yourself when you invited them into the barroom?

Mr. WHITE. Why, some of them remained in there and others went out. That is as near as I can recollect. When I went back in the lobby of the Park Hotel proper, I think some of them were there and some of them had gone.

Senator POMERENE. Were any of these men representatives or senators?

Mr. WHITE. That I could not say, Senator; that I could not say.

Senator POMERENE. Were they Republicans or Democrats?

Mr. WHITE. I could not say as to that, either. That I do not know.

Senator POMERENE. To recur to Ramsey again. Did you see Ramsey that day?

Mr. WHITE. I do not believe I did, Senator.

Senator POMERENE. When did you first see him—I mean, after the balloting had been completed?

Mr. WHITE. I do not believe I saw Ramsey until I met him here on the street some time afterwards, here in the city of Milwaukee.

Senator POMERENE. Did you talk to him on the subject?

Mr. WHITE. I do not know whether I did or not.

Senator POMERENE. Did you talk with him at any time afterwards on the subject?

Mr. WHITE. No, sir; I did not; no, sir.

Senator POMERENE. Did you hear him express any opinion with reference to it?

Mr. WHITE. No, sir.

Senator POMERENE. Did you hear him say at any time why he had left the chamber?

Mr. WHITE. No, sir; I did not.

Senator POMERENE. You heard some rumor, did you not, of some corrupt methods being used relative to these three men?

Mr. WHITE. Only in a general way.

Senator POMERENE. When did you first hear that?

Mr. WHITE. I would not want to say; I do not believe I could say just when I first heard it.

Senator POMERENE. Did you hear it on that day?

Mr. WHITE. I do not remember whether I did or not.

Senator POMERENE. There was a good deal of tension about that time, was there not?

Mr. WHITE. Yes, sir. I do not believe I heard anything of that kind that day pertaining to those men.

Mr. LITTLEFIELD. This is on the day of the going out?

Senator POMERENE. Yes. You heard nothing at all on that day?

Mr. WHITE. I can not recall it if I did.

Senator POMERENE. Had you talked about this matter on that day with Robert Shields?

Mr. WHITE. Why, I saw him there that afternoon.

Senator POMERENE. What was he doing?

Mr. WHITE. That I can not tell you—what he was doing.

Senator POMERENE. At whose invitation had he gone to Madison, if you know?

Mr. WHITE. That I do not know.

Senator POMERENE. Was he there during the time of the balloting?

Mr. WHITE. I could not say whether he was back in the lobby there where we were or not.

Senator POMERENE. Did you see him in the capitol and near the assembly chamber, shortly before the convening of the joint session?

Mr. WHITE. He might have been there, Senator, but I do not remember seeing him. He might have been there.

Senator POMERENE. You were in almost constant conference with him and the other men?

Mr. WHITE. No, sir; I was not. I was around there, but not in constant conference. Mr. Overbeck and myself were together a good deal.

Senator POMERENE. Had there been any arrangement among you, or to your knowledge, to the effect that any particular man was to go and see Ramsey or Farrell or Towne?

Mr. WHITE. No, sir; not that I know of.

Senator POMERENE. Did you talk with Shields about the matter after the ballot had been completed?

Mr. WHITE. No, sir; only in a general way—only in a general way.

Senator POMERENE. What was said in a general way?

Mr. WHITE. Of course we felt good over the election of Senator Stephenson; but there was nothing of importance.

Senator POMERENE. Naturally you felt that it was brought about largely because of the fact that these three men had absented themselves from the chamber?

Mr. WHITE. Yes, sir.

Senator POMERENE. That was a matter of comment among you?

Mr. WHITE. Yes, sir.

Senator POMERENE. As to how fortunate it was for Senator Stephenson?

Mr. WHITE. Yes, sir.

Senator POMERENE. What was said on that subject?

Mr. WHITE. There was not anything in particular said on it, Senator.

Senator POMERENE. There was something in general said. Tell us what that was.

Mr. WHITE. I could not tell you just what the conversation was that we had. It was not any more than just talking over the election of the Senator. I can not tell you what the conversation was.

Senator POMERENE. Was anything said as to why these men absented themselves?

Mr. WHITE. No, sir; not in my presence.

Senator POMERENE. Or as to who was responsible for it?

Mr. WHITE. No, sir.

Senator POMERENE. Did you ever talk with Towne about this subject?

Mr. WHITE. No, sir. I did not know Towne.

Senator POMERENE. I think that is all.

Mr. LITTLEFIELD. Was the absenting of legislators from the joint assembly room, where the votes were taken for United States Senator, an unusual thing; or had it been going on for the last two or three weeks, with men sometimes going out and sometimes coming in?

Mr. WHITE. That is what they were doing right along. First one crowd would go out and then the other crowd would go out.

Mr. LITTLEFIELD. And the mere fact that somebody went out at any particular time, either the last time or some other, in and of itself, did not attract attention to that situation?

Mr. WHITE. No, sir.

Senator POMERENE. Mr. Littlefield, I do not want to interrupt you, but the witness used an expression here to the effect that "one crowd would go out at one time and another crowd at another." What did you mean by that, Mr. White?

Mr. LITTLEFIELD. Go ahead and state what you mean.

Mr. WHITE. I do not know just how to word that, Senator.

Senator POMERENE. You had them grouped, did you?

Mr. LITTLEFIELD. Did the "Half-breeds" at times go out? How is that?

Mr. WHITE. Possibly I shall be able to explain that, if you will let me explain it in my own way.

Mr. LITTLEFIELD. To be sure. Explain it in your own way.

Mr. WHITE. During that fight there seemed to have gotten together a combination of anti-Stephenson Republicans, Social Democrats, and a number of Democrats, who worked, as far as I could learn, for the sole purpose of stopping the election of Senator Stephenson. If they thought Mr. Stephenson would be elected, they would all run out and break the quorum; and if they thought he could not be elected they would stay in. If you will permit me, I remember that

the last time they ran out there was one of the members from Manitowoc County (his name was Wehrwein) who went away up in the gallery and hid up there in the gallery. That was the situation.

Mr. LITTLEFIELD. How long had this process of obstruction been going on?

Mr. WHITE. That I could not say, because I was only out there a few days; but while I was there those were the conditions.

Mr. LITTLEFIELD (continuing). Either obstruction or filibustering; it is all the same thing.

Mr. WHITE. Yes, sir.

Mr. LITTLEFIELD. That is, there was an effort upon the part of this combination to control the situation?

Mr. WHITE. Yes, sir; and stop Mr. Stephenson's election.

Mr. LITTLEFIELD. Not by being in there and voting as they ought to, but by taking advantage of their power to go out and in, with reference to breaking a quorum or otherwise?

Mr. WHITE. Yes, sir.

Mr. LITTLEFIELD. You were inquired of in relation to the \$350 that you expended under the direction of Mr. Knell, and the \$150 which was for your expenses back and forth to Sturgeon Bay. State whether or not the \$150 was used by you for the purpose of paying your expenses back and forth to Sturgeon Bay during this period.

Mr. WHITE. Yes, sir.

Mr. LITTLEFIELD. Your family were at Sturgeon Bay?

Mr. WHITE. Yes, sir.

Mr. LITTLEFIELD. The \$350 was disbursed under the direction of Mr. Knell, as you have described?

Mr. WHITE. No, sir; no, sir—under my own direction. That was for my expenses that I had while I was down there.

Mr. LITTLEFIELD. The \$350?

Mr. WHITE. I received \$350 from Mr. Knell.

Mr. LITTLEFIELD. Oh, yes—for your own expenses?

Mr. WHITE. Yes, sir.

Mr. LITTLEFIELD. How was that disbursed by you?

Mr. WHITE. For paying my hotel bills; and when some of the boys from the different wards would be at our office at noontime I would go to lunch with them and go and buy a cigar, or something of that kind.

Mr. LITTLEFIELD. Were you at the Milwaukee Hotel headquarters with Mr. Knell during the whole of the campaign?

Mr. WHITE. Yes, sir.

Mr. LITTLEFIELD. Was any of the money that was received by you—and I refer now to both the \$350 and the \$150—used by you, either directly or indirectly, for the purpose of bribing or corruptly or unlawfully influencing any electors in that primary campaign in the interest of Senator Stephenson?

Mr. WHITE. No, sir.

Mr. LITTLEFIELD. You say you were about the headquarters practically all the time?

Mr. WHITE. Yes, sir.

Mr. LITTLEFIELD. Connected directly and immediately with the details of the campaign under Mr. Knell's direction?

Mr. WHITE. Yes, sir.

Mr. LITTLEFIELD. Were any sums expended by Mr. Knell, or by any of the persons acting under Mr. Knell's direction, so far as you know, or to your knowledge, either directly or indirectly, for the purpose of bribing or corruptly or unlawfully influencing any electors in that primary election in the interest of Senator Stephenson?

Mr. WHITE. No, sir; there were not.

Senator POMERENE. Did you have any talk with Mr. Ramsey and Mr. Farrell about their absentsing themselves at any time?

Mr. WHITE. Only in this way, Senator—

Senator POMERENE (interposing). Before you come to that, tell us when the conversation occurred.

Mr. WHITE. That might have been on the 3d of March, or it might have been on the 2d of March.

Senator POMERENE. In any event, it was before the 4th?

Mr. WHITE. Yes, sir.

Senator POMERENE. You think it was either the first or second day before that?

Mr. WHITE. Yes, sir.

Senator POMERENE. Where was this talk?

Mr. WHITE. Right there in the assembly chamber.

Senator POMERENE. What was said?

Mr. WHITE. We got talking about the different ones going out and coming back.

Senator POMERENE. We? Whom do you mean?

Mr. WHITE. Mr. Ramsey and myself or Mr. Farrell and myself, I do not know which one of them I would be talking to. I talked to both of them.

Senator POMERENE. They were both there within hearing at the time of this talk?

Mr. WHITE. Not together; no, sir.

Senator POMERENE. Very well.

Mr. WHITE. I simply said to them that I did not think it was any more of a crime for Democrats to help Senator Stephenson to be elected than it was for Democrats to stop him from being elected. That was all I said to those men, or words to that effect.

Senator POMERENE. To help them in what way, did you say?

Mr. WHITE. I did not mention in what way, Senator. I simply said to them that it was not any more of a crime for Democrats to help Senator Stephenson to be elected than it was for the ones that were keeping him from being elected.

Mr. LITTLEFIELD. Were you, at that time, discussing this question of members going out and in, for the purpose of breaking a quorum?

Mr. WHITE. Yes, sir.

Senator POMERENE. At the time were you referring to the assistance in electing him by staying away from the joint assembly?

Mr. WHITE. No, sir; we did not refer to that at all. We were just talking about the situation, and what they were doing.

Senator POMERENE. Mr. Farrell and Mr. Ramsey were both there at the time of the roll call, were they not?

Mr. WHITE. You mean on the 4th of March?

Senator POMERENE. Yes.

Mr. WHITE. That I do not know. They did not answer the roll call.

Senator POMERENE. Let us see. Referring to page 369, I read: Never been denied.

That referred to something else.

Now, you do know, also, that three members walked out of there; that three members absented themselves shortly before the balloting began? You know that?

A. Well, I know that they wasn't in there.

Q. You also know that Wayland took a man out?—A. From what he said himself.

Q. And you know Ramsey and Farrell stayed out?—A. Yes, sir.

Q. Although they were present at the roll call that morning?—A. Yes, sir.

You testified to that before, did you not?

Mr. LITTLEFIELD. Will you excuse me for a moment, Senator? I want to ascertain to what roll call that refers. I want to see the context there.

Senator POMERENE. It seems to mean this morning before that. You will see, a little above there:

Q. Now, do you remember that the vote was 63 to 60 on the day that he was elected?—A. It was so announced.

Q. Well, you know that is true, too?—A. I suppose so; yes, sir.

Q. Never been denied. Now, you do know, also, that three members walked out of there; that three members absented themselves shortly before the balloting began. You know that?—A. Well, I know that they wasn't in there.

Q. You also know that Wayland took a man out?—A. From what he said himself.

Q. And you know Ramsey and Farrell stayed out?—A. Yes, sir.

Q. Although they were present at the roll call that morning?—A. Yes, sir.

Mr. WHITE. I think the member of the committee who was asking those questions meant the roll call of the legislature and not the roll call of the joint session.

Senator POMERENE. It does not so say; but this is as you testified before?

Mr. WHITE. Yes, sir.

Senator POMERENE. Is there any explanation you wish to make about it?

Mr. WHITE. No, sir.

Mr. LITTLEFIELD. Which day are you inquiring about, Senator? March 4?

Senator POMERENE. I think it refers to that, from the context, on page 369; just that part of it which I read. I am not entirely sure about it.

Mr. LITTLEFIELD. What I was trying to get in my mind was just exactly what roll call was referred to by the committee, whether in the assembly or in the joint convention. I am looking, now, at the record of the joint convention.

Senator POMERENE. He is speaking of the vote being 63 to 60 on this subject.

Mr. LITTLEFIELD. Yes; that is true.

Senator POMERENE. I assumed it referred to that particular roll call. It is a natural inference, I think, from the context.

I believe that is all, Mr. White.

Mr. LITTLEFIELD. I wish to ask the witness this question:

Are you certain in your own mind, Mr. White, whether the roll call referred to by the legislative committee, about which you were interrogated, was the roll call in the assembly, prior to the meeting of the joint convention, or the roll call in the joint convention?

Mr. WHITE. I am absolutely certain it was the roll call in the assembly. That is what the Senator referred to when he asked me that question.

Senator POMERENE. Whom do you mean?

Mr. WHITE. Whatever Senator was examining me at that time.

Senator POMERENE. If that is so, why does he speak of the vote being 63 to 60?

Mr. LITTLEFIELD. I am trying to find that record, to see whether they answered that roll call or not.

Senator POMERENE. He would hardly jump from the one roll call to the other; although it is possible.

Mr. LITTLEFIELD. I am looking through this printed record here, to see if I can find any rightful solution of it. Of course, that is what we all want to do.

Senator POMERENE. Surely.

Mr. LITTLEFIELD. I find here, under date of March 4, 1909, in the assembly—

Senator POMERENE. From what are you reading?

Mr. LITTLEFIELD. From the Assembly Journal, volume 1, 1909, page 387:

THURSDAY, MARCH 4, 1909—10 o'clock A. M.

The assembly met.

The speaker in the chair.

Prayer was offered by Rev. Thomas Foulkes.

Senator POMERENE. You say you are referring to page 387?

Mr. LITTLEFIELD. Yes; page 387 of the Assembly Journal. You have before you, Senator, the testimony given before the committee. I have the journal of the house.

I continue to read:

The roll was called and the following members answered to their names:

I shall run through this list and see if these names are here.

Farrell * * * Ramsey * * * Towne.

I have picked them out of the list. There were 96 names.

Senator POMERENE. Was that at the joint session?

Mr. LITTLEFIELD. No; this was the assembly roll call, at 10 o'clock in the forenoon of the same day, prior to the joint session, and it does appear that each of these three men answered to the roll call in the assembly.

There does not appear to have been any roll call in the joint session, but this is the record; reading from page 405 of the same journal:

Lieut. Gov. John Strange called the joint convention to order and said: "It affords me pleasure to announce that I am privileged to say to the members of the Legislature of Wisconsin met in joint session, that a United States Senator, to represent Wisconsin, is to be elected by you. As the clerk calls the roll, each member will arise and express his choice. The clerk will call the roll."

Then follows a protest by Mr. LeRoy, which was the usual protest on the ground that the Senator had been elected on the 26th of January, and in reply to that the president says:

The point of order is not well taken, the gentleman is out of order, and the protest will be unheeded. The clerk will call the roll.

Chief Clerk C. E. Shaffer then called the roll, the result of which was as follows:

Total number of votes cast, 123.

Then the votes are given.

That is the parliamentary record, and it does not appear that there was any roll call in the joint convention other than the call upon which the votes were cast.

Senator POMERENE. In any event, no formal record of it?

Mr. LITTLEFIELD. Yes. If there was any formal roll call prior to the roll call upon which the votes were cast, there is no record of it.

Senator POMERENE. As the chairman just suggests to me, ordinarily there would be a roll call to ascertain the fact as to whether or not there was a quorum.

Mr. LITTLEFIELD. This record does not disclose that any such call was had. The only roll call was the call upon which the members actually voted. That developed 63 votes for Mr. Stephenson out of a total of 123.

I do not find anything in this journal that states the names of the absentees. It simply gives the names of the men voting.

The CHAIRMAN. I should think the roll call would precede the statement of the chairman in the joint convention. The chairman would necessarily have to develop the fact that he had the two bodies present.

Mr. LITTLEFIELD. There is nothing in this record that shows that he did.

The CHAIRMAN. Is not counsel commencing to read with the joint session? What precedes that joint session?

Mr. LITTLEFIELD. What precedes the joint session is this:

The hour of 12 o'clock m. having arrived, the sergeant at arms of the assembly announced the lieutenant governor and the senate of the State of Wisconsin.

I will read right along, so that you will get everything that appears in the record in this journal.

The heading is:

Election of United States Senator.

Then, in parentheses:

In joint convention.

Lieut. Gov. John Strange called the joint convention to order and said: "It affords me pleasure to announce that I am privileged to say to the members of the Legislature of Wisconsin, met in joint session, that a United States Senator to represent Wisconsin is to be elected by you. As the clerk calls the roll, each member will arise and express his choice. The clerk will call the roll."

Then follows the result. That is all that does appear.

The CHAIRMAN. Is there no recital, preceding that, that the two bodies had voted separately and had failed to elect?

Mr. LITTLEFIELD. That appears away back farther in the book.

The CHAIRMAN. I mean, immediately preceding.

Mr. LITTLEFIELD. No. But this appears, and I might as well put it in, because that was the critical day.

After the lieutenant governor instructed the clerk to call the roll, saying:

"The clerk will call the roll," then the record shows the following:

Mr. LE ROY. I desire at this time to rise to a point of order and protest against any further proceedings being taken at this time in this joint assembly except the announcement by the president that the Hon. Isaac Stephenson is elected to the United States Senate for the term beginning March 4, 1909. I say that the presiding officer of this joint assembly should, under the statutes

of the State of Wisconsin and under the statutes of the United States, upon Wednesday, January 27, 1909, when this joint assembly convened and the journals were read, have announced that the Hon. Isaac Stephenson had received a majority of the votes cast in the senate and assembly. That being the fact, then it devolved as a clerical duty and ministerial duty upon the presiding officer of the joint assembly to announce that the person so receiving that majority, in this case the Hon. Isaac Stephenson, was duly elected United States Senator, and that any proceedings at this time or at any other time after the reading of the journals of the houses, except the announcement of the election, is null and void and of no effect.

The PRESIDENT. The point of order is not well taken, the gentleman is out of order, and the protest will be unheeded. The clerk will call the roll.

Chief Clerk C. E. Shaffer then called the roll, the result of which was as follows.

The CHAIRMAN. That does not need to be repeated in the record. I will say this: It will appear as a part of this investigation, when the proceedings are complete, what transpired in the legislature in each house and in joint session, at each and every session, from the time they commenced to consider, under the act of Congress, the election of a United States Senator. That will show the separate ballots at each and every meeting, and each ballot in joint session; so that it will not be necessary to repeat it now.

Mr. LITTLEFIELD. That is what we desire.

The CHAIRMAN. It will not be necessary to produce that in open session. Those are records that will be certified and inserted.

Mr. LITTLEFIELD. And will be made a part of the record in the case?

The CHAIRMAN. Yes. They will be made a part of the report of the committee and of the record. That record will show each one present, and if there is a roll call, it will be disclosed by that, and the vote will be disclosed.

Mr. LITTLEFIELD. Yes. The real fact was, of course, that after the 26th, after the votes were taken in the separate bodies, the assembly and the senate, then the votes were taken in joint assembly, and this formal protest was made on each day; but that will all be disclosed by the public record.

The CHAIRMAN. There was more than one meeting in joint convention.

Mr. LITTLEFIELD. Oh, yes. There was a meeting every day.

The CHAIRMAN. That is provided for by the act of Congress.

Mr. LITTLEFIELD. The journal will disclose the whole situation.

The CHAIRMAN. The record will disclose all of those facts; yes.

Mr. LITTLEFIELD. Yes. The committee can take such part of the record as relates to this matter and leave out, I take it, all the formal matter, because you do not want to cumber the record with immaterial details.

The CHAIRMAN. That will be given strict attention.

Mr. LITTLEFIELD. Yes, sir. That is all, Mr. White.

(The witness was thereupon excused.)

The CHAIRMAN. I will now call certain witnesses who are under subpoena, and as their names are called they will come forward.

As their names were called the following persons appeared before the committee: S. P. Richtman, H. A. Bowman, Niels Johnson, George W. Dart, A. I. Hulbert, G. C. Kolb. The name of William C. Haslam was called and he did not respond.

The CHAIRMAN. I am informed by the clerk that Mr. Haslam has been excused.

Mr. LITTLEFIELD. I had a question that I wanted to ask him.

Senator POMERENE. He was excused in open session the other day.

The CHAIRMAN. That will be taken up later. I am calling the witnesses for a special purpose. Gentlemen, you were retained because of the possibility that your presence on the stand might be required after the testimony of Mr. J. W. Stone was completed. He has testified, and it has not been thought necessary to bring into this case the matters in regard to which you were summoned to testify. You are therefore discharged from further attendance and will report to the secretary.

The SECRETARY. What do you wish to do in regard to Mr. J. E. Thomas, Mr. Chairman?

The CHAIRMAN. Where do you reside, Mr. Thomas?

Mr. THOMAS. At Waukesha, Wis., about 20 miles west of here. It is close by.

The CHAIRMAN. You may be excused, Mr. Thomas, with the understanding that if we should need you you will be expected to come promptly.

Mr. THOMAS. If you will telephone to me at any time I will respond promptly.

The CHAIRMAN. Very well. At this time I think it would be proper to say that counsel representing Senator Stephenson may hand in a list of any persons for whom a subpoena is desired, should they desire to introduce any testimony after that presented at the instance of the committee, and a list of the witnesses, with an indication of the subject upon which the witness is to be examined. The committee will then go over that list and indicate the extent of the additional testimony. We should like to have that list by Monday morning.

Mr. LITTLEFIELD. I think we shall be able to do that, Mr. Chairman.

The CHAIRMAN. Please indicate not only the subject of the testimony of the witness, but the substance of it. The committee desires to avoid what in its judgment may be an unnecessary cumulation of testimony or repetition of testimony.

Mr. LITTLEFIELD. We are very glad to submit ourselves to the suggestion and direction of the committee in that regard. We will take the list that the sergeant at arms is to give us, and then compare it with notes that we have been making from time to time.

The committee will realize that the names of a great many witnesses have been disclosed, and, as to a very large number of them, we have not the slightest personal information as to what they would say on the stand—that is, we have not had an opportunity to get into touch with them. That is obvious, inasmuch as they are scattered over the State. We shall do our best to indicate to you the lines upon which we wish to submit additional testimony, and then take the direction of the committee as to whether we shall go further into details such as we have in mind. I do not know whether we can be prepared Monday morning to indicate with any degree of certainty in substance what each witness will say. That would be taking a considerable responsibility to state in advance what the witness may say. We know in a general way what we expect them to say, but just

how far they will be able to go on the lines we have in mind the committee will appreciate it is impossible for us to say in some cases.

The CHAIRMAN. Just submit a statement as to what you expect to prove by the witnesses, such as is customary.

Mr. LITTLEFIELD. We shall give you an indication of the points to which we expect to direct the testimony, and do the best we can on the lines indicated by the chairman.

The CHAIRMAN. The purpose in fixing the time as Monday is that if you desire witnesses subpoenaed, taking into consideration the time necessary to secure their attendance, it might possibly be very inconvenient for the subcommittee to come back again to take their testimony; and it would be quite as inconvenient to have an interval elapse during which there would be nothing to do.

Mr. LITTLEFIELD. We will do our very best to comply with the suggestions of the committee; and we are very greatly obliged to the committee, because it tends to facilitate progress in the investigation, and helps us in the preparation.

TESTIMONY OF WIRT H. COOK.

WIRT H. COOK, having been previously sworn, testified as follows:

The CHAIRMAN. Mr. Cook, where do you reside?

Mr. COOK. Duluth, Minn.

The CHAIRMAN. How long have you resided there?

Mr. COOK. 19 or 20 years.

The CHAIRMAN. What business or occupation have you?

Mr. COOK. Lumber and timber business.

The CHAIRMAN. With whom, if anyone, are you associated in that business?

Mr. COOK. I am a stockholder in companies.

The CHAIRMAN. Give the name of the company.

Mr. COOK. The Virginia & Rainy Lake Co.

The CHAIRMAN. Where does it operate?

Mr. COOK. Northern Minnesota.

The CHAIRMAN. Does it operate at any other place?

Mr. COOK. I think it is starting an operation now just northeast of Rainy Lake, in Canada.

The CHAIRMAN. When you speak of "an operation," you refer to mills for the production of lumber?

Mr. COOK. The mills are in Minnesota—Virginia and Duluth, Minn.

The CHAIRMAN. Do you refer to the State of Virginia, or to "Virginia," a place?

Mr. COOK. At Virginia and Duluth, Minn.

Mr. LITTLEFIELD. Virginia is the name of a town in Minnesota, I take it; is it not?

Mr. COOK. Yes. That is The Virginia & Rainy Lake Co. Then I am interested as stockholder in the Trout Lake Lumber Co. That is operating in Minnesota also, the mills being at Tower, Minn.

The CHAIRMAN. Are you an officer in the corporation?

Mr. COOK. In the Trout Lake Lumber Co.; yes.

The CHAIRMAN. What officer are you?

Mr. COOK. Secretary and treasurer.

The CHAIRMAN. What officer are you in The Virginia & Rainy Lake Co.?

Mr. COOK. I am not any officer.

The CHAIRMAN. Have you any connection with the operation of the affairs of that company other than to be a stockholder?

Mr. COOK. No, sir.

The CHAIRMAN. Who are the officers of that company?

Mr. COOK. Edward Hines is president, William O'Brien is vice president, H. C. Hornby is secretary, and F. E. Weyerhaeuser is treasurer.

The CHAIRMAN. Is that Frederick E. Weyerhaeuser, sr., or his son?

Mr. COOK. The son; the young man.

The CHAIRMAN. Who are the officers of the Trout Lake Lumber Co.?

Mr. COOK. William O'Brien, president; Dan Haley, vice president; W. H. Cook, secretary and treasurer.

The CHAIRMAN. Those are all of the officers of that company, are they?

Mr. COOK. Yes, sir.

The CHAIRMAN. Where are the offices of The Virginia & Rainy Lake Co.?

Mr. COOK. The main office is at Virginia, Minn.

The CHAIRMAN. Have you offices in Duluth?

Mr. COOK. A sales office.

The CHAIRMAN. Where are the offices of the Trout Lake Lumber Co.?

Mr. COOK. Duluth, Minn.

The CHAIRMAN. Are they in the same building as the offices of The Virginia & Rainy Lake Co.?

Mr. COOK. Yes, sir.

The CHAIRMAN. Are they identical offices?

Mr. COOK. No, sir.

The CHAIRMAN. They are separate offices, in the same building?

Mr. COOK. Yes, sir; separate offices.

Mr. LITTLEFIELD. Are they separate offices in the same building?

Mr. COOK. Yes, sir.

The CHAIRMAN. Are you in and about the offices of the Virginia & Rainy Lake Co.?

Mr. COOK. No, sir; I have never been in the Virginia & Rainy Lake Co.'s office.

The CHAIRMAN. You never go there except when business requires you to go?

Mr. COOK. I never have been in their office since they established a sales office in Duluth.

The CHAIRMAN. When did they establish that office?

Mr. COOK. Last spring, I think.

The CHAIRMAN. Have you been in their main office?

Mr. COOK. The office at Virginia?

The CHAIRMAN. Yes.

Mr. COOK. The 8th day of last March was the last time I was there.

The CHAIRMAN. You are not frequently there?

Mr. COOK. No, sir.

The CHAIRMAN. Did you ever meet R. J. Shields at the office of the company of which you are secretary and treasurer—that is, the Trout Lake Lumber Co.?

Mr. COOK. No, sir.

The CHAIRMAN. Did you ever meet him at either of the offices of the Virginia & Rainy Lake Co.?

Mr. COOK. About two years ago, I think it was, the Virginia & Rainy Lake Co. moved its main offices from Duluth to Virginia.

The CHAIRMAN. That was two years ago?

Mr. COOK. Yes, sir. I was in the office up to that time.

The CHAIRMAN. During the year 1909 do I understand that the main office or principal office of the Virginia & Rainy Lake Co. was in Duluth?

Mr. COOK. Yes, sir.

The CHAIRMAN. And was the other company, the Trout Lake Lumber Co., then in existence?

Mr. COOK. No, sir.

The CHAIRMAN. When was it organized?

Mr. COOK. About a month ago, I think, the Trout Lake Lumber Co. was organized.

The CHAIRMAN. Then it is of very recent origin?

Mr. COOK. Yes.

The CHAIRMAN. Then for the present we will devote our attention to the Virginia & Rainy Lake Co. During the year 1909 up to what time did it have its principal office in the city of Duluth?

Mr. COOK. My recollection is that the company moved its offices from Duluth to Virginia about the latter part of 1909.

The CHAIRMAN. Up to that time were you generally in and about the offices of that company in Duluth?

Mr. COOK. Yes, sir.

The CHAIRMAN. Did you then occupy any position with reference to that company and its affairs in Duluth?

Mr. COOK. I was a director in the company.

The CHAIRMAN. You were only a director?

Mr. COOK. That is all—that is, for the year previous.

The CHAIRMAN. For the year 1909?

Mr. COOK. Yes, sir.

Mr. LITTLEFIELD. For the year ending in 1909, I take it?

Mr. COOK. I was a director. I was one of the organizers of that company. It was organized July 31, 1905; and I was a director in that company up until the 8th day of March last.

The CHAIRMAN. So you were connected with the active operation of that company during the year 1909?

Mr. COOK. No, sir; I was not.

The CHAIRMAN. As director you merely attended the meetings of the company?

Mr. COOK. We had no meetings.

The CHAIRMAN. Did you have any duties to perform as director?

Mr. COOK. No, sir.

The CHAIRMAN. Were you habitually about the office of the company?

Mr. COOK. My office was in the same office.

The CHAIRMAN. You officed together with the company, then?

Mr. COOK. I can explain that to you. In the fall of 1908 we increased the capital of The Virginia & Rainy Lake Co., and Mr. Hines and the Messrs. Weyerhaeuser and the Cloquet Lumber Co. came into The Virginia & Rainy Lake Co. They came into the company in the fall of 1908, and I went out of the active management.

The CHAIRMAN. You had been the active manager, then, up to the fall of 1908?

Mr. COOK. Yes, sir.

The CHAIRMAN. What time in the fall of 1908?

Mr. COOK. I think along about the 18th or 19th of December.

The CHAIRMAN. Then, that was after the primary and the general election, was it?

Mr. COOK. I think so. It must have been; yes, sir.

Mr. LITTLEFIELD. Do they have the primary in Minnesota? I am not familiar with it?

Mr. COOK. Yes, sir; I think so.

The CHAIRMAN. I am referring to a time after the date of the primary and general election in Wisconsin, which is the subject matter of the inquiry in this case. You understand that?

Mr. COOK. I did not understand it that way.

The CHAIRMAN. The primary was on the 1st of September, and the general election was held on the first Tuesday after the first Monday of November.

Mr. LITTLEFIELD. In Wisconsin.

Mr. COOK. I do not know anything about the primary in Wisconsin.

The CHAIRMAN. The date of the primary was the 1st of September; and if the time referred to was after the general election, the date, of necessity, was after the primary.

Mr. COOK. Yes.

The CHAIRMAN. You continued to retain your office in with this company after that time, did you?

Mr. COOK. There were three rooms cut off from the main offices of the company, and I took possession of them.

The CHAIRMAN. For what purpose did you take possession of those rooms?

Mr. COOK. I was connected with a railroad.

The CHAIRMAN. With what railroad were you connected?

Mr. COOK. The Duluth, Rainy Lake & Winnipeg Railroad.

The CHAIRMAN. In what way were you connected with it?

Mr. COOK. I was president.

The CHAIRMAN. Are you now?

Mr. COOK. No, sir.

The CHAIRMAN. Who was associated with you in your office after you had these three rooms cut off and took possession of them?

Mr. COOK. Mr. J. F. Walsh made his office with me.

The CHAIRMAN. Who is Mr. J. F. Walsh?

Mr. COOK. He is my brother-in-law.

The CHAIRMAN. What is his occupation?

Mr. COOK. He is a timber man.

The CHAIRMAN. Does he still jointly occupy the offices with you?

Mr. COOK. Yes, sir.

The CHAIRMAN. Does any other person jointly occupy those offices with you?

Mr. Cook. Yes.

The CHAIRMAN. Who?

Mr. Cook. Mr. J. G. Ketcham.

The CHAIRMAN. How long has he been occupying the offices?

Mr. Cook. I think since May or June last.

The CHAIRMAN. Did your brother-in-law occupy those offices with you from the 1st of January on through the year?

Mr. Cook. Yes, sir.

The CHAIRMAN. His joint occupancy commenced concurrently with yours?

Mr. Cook. Yes. He had been with me a number of years.

The CHAIRMAN. Who else was in those offices with you during the year 1909?

Mr. Cook. No one but my stenographer.

The CHAIRMAN. Have you still the same stenographer?

Mr. Cook. No, sir.

The CHAIRMAN. Who was that stenographer?

Mr. Cook. His name was George Maluski.

The CHAIRMAN. What is his present address?

Mr. Cook. He is working in the office of William O'Brien, in Duluth, Minn.

The CHAIRMAN. Now you have given us all of the occupants of your offices in 1908 and 1909, have you?

Mr. Cook. Not in 1908.

The CHAIRMAN. Who was in the offices with you in 1908?

Mr. Cook. Our whole office force. The lumber company was there at that time. At that time Mr. Ketcham was sales manager, Mr. O'Brien was president of the company, Mr. Anderson was treasurer, and Mr. G. D. Jones was secretary. He lived in Wausau, Wis. Then we had our office force of bookkeepers and stenographers.

The CHAIRMAN. Is that the same name as Warsaw, which is the Polish capital?

Mr. Cook. I could not say, sir.

The CHAIRMAN. You have now accounted for all of the persons that were in and about your office during this period of the summer and fall of 1908 and the early part of 1909?

Mr. Cook. Yes.

The CHAIRMAN. Was R. J. Shields ever at those offices during the fall of 1908, or the winter, spring, or summer of 1909?

Mr. Cook. I have seen him in there; yes, sir.

The CHAIRMAN. Whom did he come to see?

Mr. Cook. I do not know that he came to see anyone in particular; but I have seen him with Mr. Cusson. Mr. Shields and Mr. Harper are in the insurance business, and they were taking over a large part of the insurance business of the Virginia & Rainy Lake Co.

The CHAIRMAN. They were your insurance medium or agents, were they? That is, they represented the company that insured your property?

Mr. Cook. I think they had the larger part of the insurance; yes, sir. But I am not positive about those things, because I went out of the management, and I understood that the Harper-Shields Co. got practically all of the insurance after Mr. Hines came in.

The CHAIRMAN. Where does the Harper-Shields Co. have its office?

Mr. COOK. In Duluth, Minn., and Superior, Wis., I understand.

The CHAIRMAN. Have they an office in the same building that you occupy?

Mr. COOK. No, sir.

Mr. LITTLEFIELD. Is that the name of the firm—the Harper-Shields Co., or the Shields-Harper Co.?

Mr. COOK. The Harper-Shields Agency, I think the name is.

The CHAIRMAN. Is that hyphenated—"Harper-Shields"?

Mr. COOK. Yes, sir.

The CHAIRMAN. Did you at any time during the year 1908 or 1909 have any conversation, at your offices in Duluth, with reference to the campaign or election of Senator Stephenson?

Mr. COOK. No, sir.

The CHAIRMAN. Were you ever present at your offices in Duluth during the years 1908 and 1909 when you heard Mr. Shields discuss or make any statement with reference to the candidacy or election of Senator Stephenson as United States Senator?

Mr. COOK. No, sir.

The CHAIRMAN. Did you ever hear him make any statement elsewhere than at your office during either the year 1908 or the year 1909?

Mr. COOK. No, sir.

The CHAIRMAN. You never heard Mr. Shields refer at all to the election of Senator Stephenson?

Mr. COOK. Well, I had a little talk with Shields.

The CHAIRMAN. Give the time and place?

Mr. COOK. It was on a North Western train between Duluth and Chicago.

The CHAIRMAN. When was it?

Mr. COOK. I think it was in the fall of 1909.

The CHAIRMAN. Was that the first conversation you had ever had with him on the subject?

Mr. COOK. That is the first and only conversation I ever had with Shields about that matter.

The CHAIRMAN. You mean about Senator Stephenson's election?

Mr. COOK. Well, Stephenson's election never was mentioned in that conversation, but it referred to it indirectly.

Mr. LITTLEFIELD. You say his election was not mentioned in the conversation?

Mr. COOK. No, sir; but the conversation referred indirectly to the election; that is all.

The CHAIRMAN. Without mentioning him?

Mr. COOK. Yes.

The CHAIRMAN. What was said? Who began the conversation—you or Mr. Shields?

Mr. COOK. I did.

The CHAIRMAN. What did you say to Mr. Shields about him?

Mr. COOK. I had heard stuff floating around Duluth about Shields having had some trouble with Hines over some job that he had done down at Madison, and——

The CHAIRMAN. From whom had you heard that?

Mr. COOK. The man who told me that said that he had heard it, and he gave it to me in confidence; and I do not like to bring the name in.

The CHAIRMAN. You will have to waive that confidence. Confidence of that kind can not be used to suppress facts of this importance in reference to public matters. State who gave it to you.

Mr. COOK. Well, the man's name was Dan Haley.

The CHAIRMAN. Who is Dan Haley?

Mr. COOK. He is a lumberman.

The CHAIRMAN. Where does he live?

Mr. COOK. In Duluth, Minn.

The CHAIRMAN. Is he a man in business, or is he an employee?

Mr. COOK. He is a man in business.

The CHAIRMAN. Where in Duluth is his place of business?

Mr. COOK. He is vice president of the Trout Lake Lumber Co.?

The CHAIRMAN. Then he is associated in business with you?

Mr. COOK. Yes, sir.

The CHAIRMAN. When did he give you this information?

Mr. COOK. It was shortly before I met Shields on that train.

The CHAIRMAN. How long before was it?

Mr. COOK. I could not say.

The CHAIRMAN. Can you fix more clearly the date when you met Shields on the train?

Mr. COOK. It was some time in the fall of 1909. I can not say. I could not give the month, and probably not within two months of the time.

The CHAIRMAN. What did Haley tell you?

Mr. COOK. He told me that he had heard that Shields had had some trouble with Hines.

The CHAIRMAN. Did he tell you the nature of the trouble?

Mr. COOK. Yes, sir.

The CHAIRMAN. What did he say about it?

Mr. COOK. He said that he heard that Shields had gone down to Hines and wanted his pay for the job that he had done down there in Madison in connection with the election of Senator Stephenson; that Hines had called him a blackmailer and one thing and another——

Mr. LITTLEFIELD. Hines had called Shields a blackmailer?

Mr. COOK. Yes, sir.

Mr. LITTLEFIELD. That is, this is what Haley told you?

The CHAIRMAN. One moment; I want the record to appear unbroken. Let him state it.

Mr. LITTLEFIELD. Yes.

The CHAIRMAN. Go ahead.

Mr. COOK. And that Hines had taken up the matter with Harper, got Shields down to Chicago, and that Hines and Shields had another racket down there; that Shields had gone back home, and that Hines had sent Cusson down to Superior to fix the matter up with Shields.

Mr. LITTLEFIELD. What is Cusson's name?

Mr. COOK. Cusson is the manager of the Virginia & Rainy Lake Co.

Mr. LITTLEFIELD. But what is the full name?

The CHAIRMAN. What else did you hear from this man?

Mr. COOK. The way the story ran, as I recollect it, was that Shields claimed that Hines had promised him \$15,000.

The CHAIRMAN. For what?

Mr. COOK. Putting the job over, as he called it.

The CHAIRMAN. To what job did he refer?

Mr. COOK. I suppose the election of Senator Stephenson.

Mr. LITTLEFIELD. I think the language, Mr. Chairman——

The CHAIRMAN. This, of course, is hearsay testimony, and will receive only such consideration as that testimony is entitled to. Still, the inquisitorial functions of the committee would seem to call for it.

Mr. LITTLEFIELD. Yes.

The CHAIRMAN. Now proceed.

Mr. COOK. And that Hines had sent a man down to see Senator Stephenson, and wanted him to pay half of it.

The CHAIRMAN. Was the sum named?

Mr. COOK (continuing). That the Senator refused to pay anything, saying that he had already paid twice what the job was worth; and that Shields still stuck to Hines for his money, and that it finally was settled for \$7,500.

The CHAIRMAN. That is, the claim between Hines and Shields?

Mr. COOK. Yes, sir.

The CHAIRMAN. That was told to you by this man Haley, was it?

Mr. COOK. He told me that he had heard that; yes, sir.

The CHAIRMAN. Is that all that Haley told you in regard to this matter?

Mr. COOK. That is all that I recollect.

The CHAIRMAN. You say that shortly after that you saw Shields on the train?

Mr. COOK. Yes, sir.

The CHAIRMAN. Did you have a conversation with Shields in regard to this matter that Haley had told you?

Mr. COOK. I was kind of joking Shields a little about it.

The CHAIRMAN. What did you say to him? You are now testifying about the conversation on the train. You say you were joking him. What did you say to him?

Mr. COOK. I do not just recollect the conversation. I was kind of joking him about settling too cheap, or something like that, and——

The CHAIRMAN. Did you communicate to him the fact that you had heard of the basis of the settlement?

Mr. COOK. No, sir.

The CHAIRMAN. How did you open a conversation of that kind with Mr. Shields?

Mr. COOK. I think the way that thing was opened up, I commenced talking with Shields about the story that I had heard; I understood that he had had trouble with Hines.

The CHAIRMAN. Were you at that time on friendly terms with Mr. Hines?

Mr. COOK. I never was on friendly terms with him.

The CHAIRMAN. Proceed, then.

Mr. COOK. And he said that he had had some trouble, or that he had a fight with Hines once in a while. I said, "I understand you got this last trouble fixed up." He said, "Yes; it is all fixed up."

The CHAIRMAN. Did he speak of the terms upon which the settlement was made, or did you speak of those matters?

Mr. COOK. Well, sir, I can not say.

The CHAIRMAN. One or the other of you spoke of them. Did you?

Mr. COOK. That is so long ago that I would not attempt to say. I know that he told me that everything was fixed up between him and Hines.

The CHAIRMAN. Did he state upon what basis it was fixed up?

Mr. COOK. No, sir; not that I recollect.

The CHAIRMAN. Was there no reference made to the sum of \$7,500 or \$15,000?

Mr. COOK. I can not say.

The CHAIRMAN. Was the conversation such as would identify the transaction that was referred to as having been fixed up with the Madison affair?

Mr. COOK. My recollection is that it was.

The CHAIRMAN. What was said that would identify the matter to which you referred with anything that occurred at Madison in connection with Senator Stephenson's election?

Mr. COOK. I think we were talking about the Lorimer case—the election of Senator Lorimer. I could not say whether Senator Stephenson's name was ever mentioned or not; but I am quite certain that the conversation was——

Mr. LITTLEFIELD. I do not hear what you say, Mr. Cook. I should be glad to have you make your statement loud enough so I can hear it.

Mr. COOK. We were talking about both cases, I might say, as I recollect it. I could not say for a certainty.

The CHAIRMAN. Did he say anything that enabled you to distinguish between the two cases in regard to the settlement, as to which one the settlement applied to?

Mr. COOK. I can not say.

The CHAIRMAN. Why can you not say?

Mr. COOK. My impression is that he did not know anything at all about the Lorimer case.

The CHAIRMAN. We will not go into the Lorimer case here. Did you gather the impression from his conversation that he claimed to know about the Stephenson case?

Mr. COOK. Why, I think I did.

The CHAIRMAN. From what did you gather it?

Mr. COOK. I can not say exactly; only from his actions and talk.

The CHAIRMAN. What was there about his actions or talk that you would connect with the Stephenson case?

Mr. COOK. Well, I can not recall at the present time.

The CHAIRMAN. When did you last recall it? You say you can not recall it at the present time.

Mr. COOK. That was so long ago that I do not remember everything that took place there.

The CHAIRMAN. But do you remember that one thing, as to what it was in his conversation that impressed you, and made you know that he referred to the Stephenson case?

Mr. COOK. Why, only the conversation we had about the trouble that he had had with Hines; that is about the only thing.

The CHAIRMAN. You say the name "Stephenson" was not mentioned in that conversation between you and Mr. Shields?

Mr. COOK. I do not recollect that it was mentioned; no, sir. I think some of our talk was about Hines having promised him \$15,000 for doing the job down there, and——

Senator POMERENE. Down where?

Mr. COOK. Down at Madison.

The CHAIRMAN. You talked to Shields about that, did you?

Mr. COOK. Why, yes.

The CHAIRMAN. What did he say? Did he say he had?

Mr. COOK. Oh, he said it had all been fixed up.

The CHAIRMAN. But did he say he had or did he say he had not had anything to do with fixing up the Stephenson election at Madison?

Mr. COOK. He did not say.

The CHAIRMAN. Did he say anything about it?

Mr. COOK. No. I was joking him about that business, about his having trouble with Hines.

The CHAIRMAN. Over the Stephenson election?

Mr. COOK. Over that job that was pulled off down at Madison, as the story went. He was very nervous, and said: "All fixed up! All fixed up!! It's all fixed up!!!"—something like that.

The CHAIRMAN. Is that all that he said about it?

Mr. COOK. That is all that I recollect.

The CHAIRMAN. How long did the conversation last?

Mr. COOK. Why, we were talking about that just a few minutes.

The CHAIRMAN. Have you met Mr. Shields at any other time when he talked about the Stephenson case, or any feature of it?

Mr. COOK. No, sir.

The CHAIRMAN. Have you been present at any time when he was talking to you or to any other person in your presence or within your hearing about the Stephenson case?

Mr. COOK. No, sir.

The CHAIRMAN. Have you ever talked with Mr. Hines about the Stephenson case?

Mr. COOK. I never have had any talk with him; no, sir.

The CHAIRMAN. I did not catch your response to the question.

Mr. COOK. I never have had any talk with Mr. Hines about the Stephenson case.

The CHAIRMAN. At any time?

Mr. COOK. No, sir.

The CHAIRMAN. Have you ever heard any talk, at any time, between Mr. Hines and any person in regard to Senator Stephenson's election, or any feature or phase of it?

Mr. COOK. Well, yes; I overheard a conversation.

The CHAIRMAN. First state where it was, and when, and with whom.

Mr. COOK. It was about the 1st of May, 1909.

The CHAIRMAN. Where?

Mr. COOK. In the Grand Pacific Hotel, in Chicago.

The CHAIRMAN. With whom was the conversation, or between whom?

Mr. COOK. Mr. Hines was replying to a question put by Mr. Turkish.

The CHAIRMAN. What is his first name?

Mr. COOK. Henry.

The CHAIRMAN. Tell what it was that was said, and who said it.

Mr. Cook. Mr. Turrish asked Hines how he was getting along down at Washington. He replied, saying that he was having a hell of a time. He said:

For instance, there is Stephenson. After I went and elected him, he goes down to Washington and starts in working for free lumber. I had a terrible job getting him lined up right.

The CHAIRMAN. Is that all the conversation?

Mr. Cook. That was all the conversation that referred to Senator Stephenson.

The CHAIRMAN. Was any other person present than the man to whom he was talking and yourself?

Mr. Cook. Mr. Turrish, Mr. Hines, and myself.

The CHAIRMAN. Did you ever have or hear any other conversation between Mr. Hines and anyone with reference to the election of Senator Stephenson to the United States Senate?

Mr. Cook. No, sir.

The CHAIRMAN. Did you tell Mr. Shields from whom you had received information in regard to his connection with the Stephenson election?

Mr. Cook. No; I do not think I did.

The CHAIRMAN. On October 17, in this hearing, Lieut. Gov. Morris, of this State, testified. You are acquainted with him?

Mr. Cook. I believe I met him once.

The CHAIRMAN. Where did you meet him?

Mr. Cook. In Chicago.

The CHAIRMAN. When?

Mr. Cook. Last spring.

The CHAIRMAN. What time? Fix the date as nearly as you can.

Mr. Cook. My recollection is it was the day following my appearance before the Helm committee in Springfield.

The CHAIRMAN. Had you just returned from Springfield to Chicago?

Mr. Cook. I came in the night before.

The CHAIRMAN. Where was this conversation?

Mr. Cook. On the ninth floor of the Rookery Building, in Mr. McCordic's office, I think.

The CHAIRMAN. What is Mr. McCordic's first name?

Mr. Cook. A. E. McCordic.

The CHAIRMAN. He is your attorney, is he not?

Mr. Cook. Yes, sir.

The CHAIRMAN. Can you give the number of his office in that building?

Mr. Cook. 921 and 923 Rookery Building, Chicago, Ill.

The CHAIRMAN. How did you come to be at that office?

Mr. Cook. Every time I am in Chicago I go up to that office. I write some letters there and attend to correspondence at that office.

The CHAIRMAN. You go there because he is your attorney, I suppose?

Mr. Cook. Yes, sir.

The CHAIRMAN. Did you go there for any peculiar or unusual reason, or by virtue of any appointment, on this morning that you went there after you returned from Springfield?

Mr. Cook. Not that I recollect.

The CHAIRMAN. You did not expect to meet anyone there particularly that morning?

Mr. COOK. No, sir.

The CHAIRMAN. What time in the morning was it?

Mr. COOK. I could not say exactly; somewhere between 10 and 11 o'clock, probably.

The CHAIRMAN. When you went to that law office, was there anyone there? If so, who?

Mr. COOK. My recollection is that Mr. McCordic and his stenographer were there when I went there. I might be mistaken about that.

The CHAIRMAN. Did you meet Gov. Morris there?

Mr. COOK. My recollection is that there were some gentlemen that came into the outer office while I was inside with Mr. McCordic, although I might be mistaken on that. As I recollect it, Mr. McCordic came in and informed me there were some gentlemen there from Wisconsin, who wanted to see me about something.

The CHAIRMAN. Did he inform you as to what knowledge these men from Wisconsin had of your being there?

Mr. COOK. No; I think not.

The CHAIRMAN. Had you expected to go to that office prior to your coming up from Springfield?

Mr. COOK. Oh, I calculated to go there the following morning.

The CHAIRMAN. Did Mr. McCordic know that you would be there?

Mr. COOK. I do not know whether he did or not. He did not know when I would be back.

The CHAIRMAN. At any rate, you met Lieut. Gov. Morris, of Wisconsin, there?

Mr. COOK. I met a gentleman there who was introduced to me as the lieutenant governor of Wisconsin, and two other gentlemen with him.

The CHAIRMAN. Did you have a conversation with him?

Mr. COOK. Yes, sir.

The CHAIRMAN. Do you know the names of the other men who were present?

Mr. COOK. I think one of them was the attorney general or the assistant attorney general of Wisconsin.

The CHAIRMAN. Do you remember his name?

Mr. COOK. No; I do not.

The CHAIRMAN. Was it Mr. Titus?

Mr. COOK. I think it was; yes, sir.

The CHAIRMAN. There were Mr. Titus and Mr. Morris. Was Mr. McCordic there?

Mr. COOK. Yes; he was there.

The CHAIRMAN. He was in the room?

Mr. COOK. Yes, sir.

The CHAIRMAN. Who else was there?

Mr. COOK. Another gentleman was there, but I do not remember his name.

The CHAIRMAN. Was he from Wisconsin?

Mr. COOK. Yes.

The CHAIRMAN. Were you introduced to the other gentleman?

Mr. COOK. Yes, sir.

The CHAIRMAN. Do you know whether the other gentleman was a Senator from Wisconsin?

Mr. COOK. I think he was or claimed to be.

The CHAIRMAN. Gov. Morris testified before this committee on October 17, 1911, as follows, on being asked in regard to this meeting in Chicago at which you say you were present—

Mr. LITTLEFIELD. Mr. Chairman, before you proceed, if you will excuse me, I would request that the chairman have the witness give his version of the conversation.

The CHAIRMAN. I am going to ask him to give his version. I am going to ask him whether this statement made by Gov. Morris is true.

Mr. LITTLEFIELD. I respectfully request the chairman to have this witness give his version of the conversation before he gets the version of Gov. Morris.

The CHAIRMAN. I think it is proper to proceed in the way that I have intimated.

Mr. LITTLEFIELD. Oh, either way is proper.

The CHAIRMAN. It is not necessary to go roundabout in order to get the information, as one might have to do in a court, where the rules of evidence were being strictly enforced. I want to go directly to this point and to know whether this statement is true.

Mr. LITTLEFIELD. Of course it is important for us to test the accuracy of the statement of this witness.

The CHAIRMAN. I want to test the accuracy of the statement that was made to this committee.

Mr. COOK. I will read from the testimony given by Gov. Morris. He had referred to certain information, and the question was asked:

Senator POMERENE. What is the information to which you refer?

Mr. MORRIS. Do you want to know the name of my informant?

Senator POMERENE. We do.

Mr. MORRIS. I have been told by a Mr. Cook—I do not recall his initials at this moment, but he is a partner of Mr. Hines, the lumberman—that a few days before the election in the legislature a sum of money approximating \$100,000 was raised by Mr. Hines and Mr. Stephenson and placed in the hands of certain men, one of whom was Robert Shields, of Superior, and that this money was used in the legislature during the election.

Did you make such a statement as that to Gov. Morris?

Mr. COOK. No, sir.

The CHAIRMAN. Did you make any statement similar to that to Gov. Morris?

Mr. COOK. I told him what I had heard.

The CHAIRMAN. Did you tell him that you had heard that, as it is here stated?

Mr. COOK. No, sir.

The CHAIRMAN. What did you tell him you had heard?

Mr. COOK. I told him I had heard that Mr. Hines had raised \$100,000 or \$115,000 to elect Senator Stephenson. It was told to me. That is the way the story was floating around.

The CHAIRMAN. Did you tell Gov. Morris that at the time you met him in Chicago?

Mr. COOK. Yes.

The CHAIRMAN. Wherein is this statement of Gov. Morris's incorrect, if at all?

Mr. COOK. He says that I told him that shortly before Senator Stephenson's election Mr. Hines raised \$100,000.

Mr. LITTLEFIELD. Mr. Hines and Mr. Stephenson.

Mr. COOK. Mr. Hines and Mr. Stephenson?

Mr. LITTLEFIELD. Yes.

Mr. COOK. That is wrong. I did not tell him that. I told him that I had heard that Hines had raised \$100,000. Senator Stephenson's name was never mentioned. I never heard of it.

The CHAIRMAN. Do you say you did not mention Senator Stephenson in connection with the raising of this money?

Mr. COOK. Yes, sir.

The CHAIRMAN. Upon what information did you make that statement?

Mr. COOK. What I had been told in this story that was circulating about Mr. Shields putting a job over. That was the story that was going around.

The CHAIRMAN. Who told you?

Mr. COOK. I think Mr. Haley.

The CHAIRMAN. This is the same information or statement that you got from Mr. Haley?

Mr. COOK. Yes. He said that he had heard it.

The CHAIRMAN. It came to you from Mr. Haley?

Mr. COOK. Yes.

The CHAIRMAN. And you made the statement upon what you had heard from Mr. Haley, did you?

Mr. COOK. Yes.

The CHAIRMAN. Did you make it upon any other information that you had received?

Mr. COOK. No, sir.

The CHAIRMAN. So it all comes back to the Haley statement?

Mr. COOK. Why, yes; certainly.

The CHAIRMAN. This record continues—and I am now reading from the testimony of Gov. Morris:

I was also informed that Mr. Shields went to Washington just before the election in the legislature and saw Senator Stephenson and came back with a sum of money, which I understand was in the form of a check, drawn in blank—that is, the amount was blank.

Did you make any statement of that kind to Mr. Morris?

Mr. COOK. I should say not.

The CHAIRMAN. Did you ever hear that statement before?

Mr. COOK. Yes; I did; at that time these gentlemen were talking to me. They told me that they knew that Shields had gone to Washington and came back with a lot of money and deposited it in some bank in Milwaukee, and they knew how it had been paid out.

Mr. LITTLEFIELD. That is what they told you?

Mr. COOK. That is what they told me.

The CHAIRMAN. I will continue to read. Mr. Morris continues:

I knew, however, about Shields's trip to Washington at the time.

Did you discuss Shields's trip to Washington, or any trip by Shields to Washington?

Mr. COOK. I never knew that Shields had been to Washington.

The CHAIRMAN. You never had heard of it?

Mr. COOK. No, sir.

The CHAIRMAN. So you did not make that statement to Gov. Morris?

Mr. COOK. I did not.

The CHAIRMAN. At that time or at any time?

Mr. COOK. No, sir.

The CHAIRMAN. He continues:

That is, I had been informed in reference to it at the time. Our committee then subpoenaed Mr. Shields, and he disappeared.

I am merely getting at the extent of the conversation that you had with these men in Chicago. Do you know a man named Sanderson?

Mr. COOK. No, sir.

The CHAIRMAN. Do you know a Mr. Crownhart?

Mr. COOK. No, sir.

The CHAIRMAN. Senator Husting was present at this conversation in Chicago, was he?

Mr. COOK. I believe that is his name; yes, sir.

The CHAIRMAN. Gov. Morris says that when you gave this information to them, you requested them to withhold it until such time "as he gave his permission to disclose it." Is that true?

Mr. COOK. The understanding was, before there was any talk about this thing in any way, shape, or manner, that it would never go out of that room. They were fishing around after information, and they told me more there than I had ever heard of before.

Mr. LITTLEFIELD. Whom do you mean by "they"? Mr. Morris and Mr. Husting?

Mr. COOK. Yes.

The CHAIRMAN. Gov. Morris, in addition to the statement that this was given in confidence, says:

In answer to the Senator's question, I feel under my oath that it is my duty now to disclose the information, irrespective of that agreement.

He then proceeds further to say:

I will say that this is the same Hines who had something to do with the Lorimer situation.

I read that, Mr. Cook, in order that you may know that these other participants in the conversation have considered themselves released from any arrangement as to secrecy, and you are consequently perfectly free to tell anything that was said on that occasion. Have you stated all of the conversation that you had with these gentlemen in the office in Chicago on the occasion mentioned?

Mr. COOK. No, sir.

The CHAIRMAN. Proceed to state any other or further conversation.

Mr. COOK. They started out and said that they knew more or less about the case, and if they could get any further information they would be very glade to get it. I told them that practically all I knew about it was hearsay, and that if they wanted any information right they had better get hold of Shields. They went on and told me about their having known of a trip Shields made to Washington and getting money, and about Shields hiring a special train in Milwaukee to take somebody somewhere, and I think one of the gentlemen told me that he saw some of the members of that general assembly, at the time Senator Stephenson was elected, forcibly taken out of the room. That is all I know about it.

The CHAIRMAN. I will now read you a little further from the testimony of Gov. Morris. He was asked as to the conversation which took place in Chicago, and he says:

The conversation, as I remember, was this: Mr. Cook said that after charges were filed by Senator Blaine, and the legislature failed to elect Senator Stephenson, Mr. Hines went to Senator Stephenson and represented to him that it would be impossible for him to be elected by the legislature, representing to him that if he would put in (as I remember the figures) \$55,000, he (Hines), would raise an equal amount, and the money would be used in bringing about the election of Mr. Stephenson by the legislature.

Did you tell Mr. Morris that, or make any statement of that kind to him?

Mr. COOK. Well, I should say not.

The CHAIRMAN. Was any such statement made there in your presence?

Mr. COOK. No; there was not. I never heard of Blaine in my life, nor did I know anything about the business.

The CHAIRMAN. Did you ever hear any statement in regard to Hines going to Senator Stephenson and making this proposition that each of them put up a sum of money?

Mr. COOK. I testified before this morning that I had heard that when Shields demanded \$15,000, Hines had gone to Senator Stephenson, or sent some one to him, and asked him to put up one-half of it.

Mr. LITTLEFIELD. That is, one-half of the \$15,000?

Mr. COOK. Yes; and that the Senator had refused to put up anything.

The CHAIRMAN. Was that the end of it, as you understood it?

Mr. COOK. Yes, sir.

The CHAIRMAN. Mr. Morris continues, in the same answer:

Mr. Cook said that that arrangement was finally agreed upon, and that Mr. Shields and another party, whose name he did not give us, as I remember—at any rate, whose name I do not at this time recall—took charge of the matter, and of course in time the Senator was elected.

Did you make a statement of that kind?

Mr. COOK. How could I make such a statement as that? I knew nothing about it. I just told them what I had heard.

The CHAIRMAN. Did you make the statement that you had heard that?

Mr. COOK. No; I did not.

The CHAIRMAN. Did anybody make that statement there?

Mr. COOK. No; not to my recollection.

The CHAIRMAN. If it was made, you would recollect it?

Mr. COOK. I think so.

The CHAIRMAN. I read this in sections because it is difficult to carry it all in the mind at one time. He proceeds in the same answer and says further:

This money, he said, was used in part in securing the absence of three Democrats on the day that Mr. Stephenson was elected.

Did you make that statement?

Mr. COOK. No. The first and only time I ever heard of the absence of three Democrats was when they told me about it at that meeting.

The CHAIRMAN. Did they tell you on that occasion?

Mr. COOK. Yes; some one of them—I do not know which one it was—said that he was present and saw some of these Democrats re-

moved from the assembly by force. That is the only thing I ever heard.

The CHAIRMAN. That was the first you had heard of it?

Mr. COOK. Yes, sir.

The CHAIRMAN. He proceeds to say:

Then he said—

Referring to you—

That Mr. Shields went to Chicago and insisted upon being paid a sum of money—I think \$15,000—by Mr. Hines for his services at Madison, and that Mr. Hines and Mr. Shields entered into a dispute about it, and had some hard words.

Did you tell him that?

Mr. COOK. I told him that I had heard that Shields went to Hines and demanded \$15,000, which I have testified to here before, and that Hines called him a blackmailer. That is what I heard.

The CHAIRMAN. From whom did you hear that?

Mr. COOK. Why, I testified here this morning that I got that information from Dan Haley, who told me that some one had told him.

Mr. LITTLEFIELD. That gets it into the third hand.

The CHAIRMAN. I proceed to read:

That Mr. Shields returned to Duluth to talk the matter over with Mr. Cook's partner—I do not remember his name—his partner there in Duluth in the lumber business.

Did you tell the governor that?

Mr. COOK. No.

The CHAIRMAN. Did you tell him anything about it?

Mr. COOK. I told him that the story was that after Shields had the trouble with Hines, Shields came back, and that Shields's partner went to Chicago to see Hines about it, or was called down there, or something.

The CHAIRMAN. This statement is that Shields returned to Duluth to talk the matter over with your partner.

Mr. COOK. No.

The CHAIRMAN. Did you tell him that?

Mr. COOK. No, sir; never.

The CHAIRMAN. Did you tell him anything like it?

Mr. COOK. I told him that I had heard that Shields's partner went to Chicago to see about it—Harper.

The CHAIRMAN. Not your partner?

Mr. COOK. No.

The CHAIRMAN (reading):

That his partner—

Mr. LITTLEFIELD. That is, Mr. Cook's partner?

The CHAIRMAN. Mr. Cook's partner. He says "Mr. Cook's partner," not leaving any doubt about it.

Mr. LITTLEFIELD. Exactly.

The CHAIRMAN (reading):

That his partner went with Mr. Shields to Chicago and talked the matter over with Mr. Hines.

Mr. COOK. No.

The CHAIRMAN. Did you tell him that?

Mr. COOK. No.

The CHAIRMAN (reading):

That the matter was finally settled up by giving Shields, I think it was, \$7,500 for his services, and a certain line of fire insurance.

Did you tell him that?

Mr. Cook. I told him that that was what I had heard—that the matter had been settled up.

The CHAIRMAN. Did you tell him that you heard that it had been settled up for \$7,500?

Mr. Cook. Yes.

The CHAIRMAN. And for the further consideration of certain services in connection with fire insurance?

Mr. Cook. Yes; I did hear that. And I heard afterwards that Shields did not get any money at all, but had got the fire insurance. I heard that afterwards.

The CHAIRMAN. From whom did you hear that?

Mr. Cook. I think from Mr. Haley. I think he heard it again; somebody had been talking with him again.

The CHAIRMAN. With whom—Mr. Haley?

Mr. Cook. Haley; yes.

The CHAIRMAN. You and Haley have chatted considerably about this, have you not?

Mr. Cook. We are together a great deal.

The CHAIRMAN. He says:

Mr. Cook volunteered this information to us, knowing that we were interested in the matter and were on the committee, and promised to see Mr. Shields and use his influence with him to get him to come forward and tell about the whole thing.

Is that true?

Mr. Cook. No, sir.

The CHAIRMAN. What is the truth?

Mr. Cook. It is partly true. I did not volunteer anything. They wanted to know if I could throw any light on the subject; they said that they had read my testimony before the Helm committee, and thought they could get some information. I told them that practically everything I knew about it was hearsay. I said:

If you want to get anything right here, why don't you get hold of Bob Shields? He can tell you something, I think.

Then it was agreed that there never would be a word said about that meeting there, or anything that took place there on that day, but that I would try to see Shields and get him to come down to Madison and tell the truth.

I did see Shields within the next day or so. I tried to get him up to my office to have a talk with him, and tell him what was going on, and so on, and so forth, and what I calculated to do was to advise him to go and tell what he knew about this, if he knew anything. Shields promised to come up to my office, but he never came.

The CHAIRMAN. Did he start to go with you to the office?

Mr. Cook. Yes, sir. He walked about a block. I do not know whether he started for my office or was going to some other place. He promised me that he would be up at my office within half or three quarters of an hour after I left him; and I did not see him again for I do not know how long.

The CHAIRMAN. Did he renew the promise when you saw him again?

Mr. COOK. No, sir.

The CHAIRMAN. Did he discuss it?

Mr. COOK. No, sir.

The CHAIRMAN. It would be quite recently that he started to your office—within three or four months; was it?

Mr. COOK. I think it was in April—the latter part of April.

The CHAIRMAN. Last April?

Mr. COOK. Yes, sir; I think so.

The CHAIRMAN. When was this meeting in Chicago?

Mr. COOK. I do not know whether the meeting was in the latter part of March or the latter part of April.

Senator POMERENE. Can you fix it with reference to the Helm committee's investigation?

Mr. COOK. It was the next day, as I recollect, after I testified before the Helm committee.

The CHAIRMAN. That can be made certain. He says:

I have never seen Mr. Cook since, and I have never seen Mr. Shields.

I have now read you his statement as to what transpired in Chicago. Do you desire to make, or can you make, any further statement in regard to that meeting in Chicago, as to what occurred there?

Mr. COOK. That had passed out of my mind entirely. I never had given it a thought since, you might say, until I picked up a paper the other night and saw what purported to be the testimony given here. I do not recall anything else just at present.

The CHAIRMAN. You had two conversations with Mr. Morris. Did you have one on the train?

Mr. COOK. I did.

The CHAIRMAN. That was after the one in Chicago?

Mr. COOK. Yes, sir; that night.

The CHAIRMAN. That night, or the night of that same day?

Mr. LITTLEFIELD. The same day.

Mr. COOK. Yes, sir.

The CHAIRMAN. What did you talk about?

Mr. COOK. I do not recollect exactly, but my impression is that I was talking about getting hold of Shields as soon as I could; and one of the gentlemen—I would not say which one—tried to—

The CHAIRMAN. It was Mr. Husting, was it not?

Mr. COOK. It might have been Senator Husting—he tried to impress upon my mind the fact that it might be too late for Shields to come in; there might be an indictment out for him then or the next day, or that it would be too late after he was indicted, or something like that. I told him that I would get hold of Shields as soon as I could, and have a talk with him.

The CHAIRMAN. You say you know Mr. Titus?

Mr. COOK. I met him there on that day, I think.

The CHAIRMAN. Did you have any conversation with him at any time with regard to this matter? He was present at the conversation, you said?

Mr. COOK. He was present there; yes.

The CHAIRMAN. Did you have any other conversation with him at any time?

Mr. COOK. It seems to me that I met him some time prior to that. The CHAIRMAN. You wrote Mr. Titus a letter, did you not?

Mr. COOK. No, sir.

The CHAIRMAN. He testifies here:

Have you had any word from him since?

Referring to Mr. Cook. He says:

I have not. The arrangement was that Mr. Cook was to notify this attorney in Chicago, and he was to notify Mr. Titus. I think Mr. Titus showed me a letter from Mr. Cook a few days after that, saying he had not heard anything from him.

Mr. LITTLEFIELD. I think the record must be wrong there. I am very certain that Morris, at any rate afterwards, identified that letter as a letter from McCordic. That is the chain. Of course, we do not want to get mixed up on this.

The CHAIRMAN. I was reading this as he gave it. I am doing this to get the recollection of this witness more than anything else.

Mr. LITTLEFIELD. I have no doubt the chairman has the notes all right; but I think Mr. Morris very distinctly stated that the chain of circumstances was a letter from Cook to McCordic, and from McCordic to Titus. That must be an error in the notes.

The CHAIRMAN. Senator Pomerene asks him:

That is, Mr. Cook was to notify the Chicago lawyer as to what?

Mr. MORRIS. As to what Shields would do in reference to coming forward and telling what he knew about this matter. You understand this came to me from Mr. Cook as a fact, as something that he knew to be true. The only question was whether Mr. Shields could be gotten to admit it.

He states there that you made these statements to him as facts that you knew to be true.

Mr. COOK. I told him everything I told him was hearsay but about the meeting with Shields on the train. That is absolutely certain.

Senator POMERENE. Did your attorney, Mr. McCordic, telephone to you on the morning of this conference in Chicago?

Mr. COOK. I can not say. I do not know whether he telephoned me or whether I was in the office there.

Senator POMERENE. Then, if I understand you correctly, you can not say whether you first learned by telephone or by personal talk with Mr. McCordic in his office that some men were there to have an interview with you?

Mr. COOK. I can not say as to that.

Senator Pomerene. It may have been the one or the other?

Mr. COOK. Yes.

Senator POMERENE. Had you talked over this matter with Mr. McCordic, relative to the information that you had?

Mr. COOK. Oh, yes.

Senator POMERENE. Before the day of this interview?

Mr. COOK. Yes, sir.

Senator POMERENE. How long before that?

Mr. COOK. Why, as soon as I would get anything in that line, or anything else that implicated me in anything, I would tell McCordic.

Senator POMERENE. How were you implicated in this matter?

Mr. COOK. The only way I was implicated was this—I am referring to the Lorimer case more than this one—that this one would come up naturally following the Lorimer case.

Senator POMERENE. If I understand you correctly, then, when you got this information relative to the Stephenson election you talked that over with Mr. McCordic, just as you had what you had learned on the subject of the Lorimer investigation?

Mr. COOK. Yes, sir.

Senator POMERENE. And that is how you happened to talk about it with Mr. McCordic?

Mr. COOK. Yes, sir.

Senator POMERENE. Do you know of Mr. McCordic's communicating with any of these people on this subject?

Mr. COOK. No, sir.

Senator POMERENE. You have no knowledge of that?

Mr. COOK. No, sir. After I saw Shields, I promised to get word to McCordic as to what Shields was going to do, or what he would do—the outcome of my visit.

Senator POMERENE. That is, you promised all of these gentlemen in McCordic's office that you would communicate with McCordic?

Mr. COOK. That is as I recollect it.

Senator POMERENE. Was something said there to this effect, that you would see Shields as soon as you could conveniently do so, and report to McCordic?

Mr. COOK. Yes, sir; I think there was; yes, sir.

Senator POMERENE. Was it in that connection that the statement was made that these men would observe as confidential the information that you gave them?

Mr. COOK. It was right on the start. They gave me to understand that anything that was said there that day would be absolutely confidential. I did not care to get mixed into anything.

Senator POMERENE. Was that your reason for desiring the matter to be kept confidential?

Mr. COOK. I told them that I did not want to be brought into this thing in any way, shape, or manner.

Senator POMERENE. I say, it was because you did not want to get mixed up in it that you wanted the matter observed as confidential, was it?

Mr. COOK. Yes, sir. In the first place, they started out and said that anything that was said there would be confidential and treated as such.

Senator POMERENE. If I understand you correctly, you spoke of your partner in connection with this matter, as having given you some information.

Mr. COOK. My partner?

Mr. LITTLEFIELD. No; he has not stated that. Mr. Morris stated that he referred to his partner.

Senator POMERENE. Did I understand you correctly as testifying that you said to these gentlemen that you had this information, or some of it, from your partner?

Mr. COOK. No.

Senator POMERENE. Did you not tell us this morning that the source of your information was Mr. Haley?

Mr. COOK. Haley; yes, sir.

Senator POMERENE. Did you tell that fact to these gentlemen?

Mr. COOK. Yes, sir; I did.

Senator POMERENE. And he was your partner or associate in business?

Mr. COOK. Yes; we were associated in different companies together; yes, sir.

Senator POMERENE. And did you mention any other associate or partner of yours from whom you had received any information?

Mr. COOK. No, sir.

Senator POMERENE. Was Mr. O'Brien's name mentioned?

Mr. COOK. No, sir.

Senator POMERENE. Did you have any information from Mr. O'Brien?

Mr. COOK. No, sir.

Senator POMERENE. Have you any from him now?

Mr. COOK. No, sir.

Senator POMERENE. Did you mention Mr. Haley's name?

Mr. COOK. I did; yes, sir.

Senator POMERENE. And whether you did or not, you had Mr. Haley in mind as being the associate from whom you had received this information?

Mr. COOK. Yes, sir.

Senator POMERENE. When was it that you had met Shields on the train and had this talk about the settlement of his affairs with Hines for services at Madison?

Mr. COOK. I think that was some time in the fall of 1909—two years ago.

Senator POMERENE. The fall of 1909?

Mr. COOK. Yes, sir.

(Thereupon, at 12 o'clock and 30 minutes p. m., the subcommittee took a recess until 2 o'clock p. m.)

AFTER RECESS.

At the expiration of the recess the subcommittee reassembled. The names of E. H. Lyons and Fred R. Zimmerman were called. E. H. Lyons responded and was duly sworn by the chairman.

TESTIMONY OF WIRT H. COOK—Continued.

Senator POMERENE. Mr. Cook, you had this talk with Mr. Shields aboard the train between Chicago and Duluth in the fall or early winter of 1909, I believe you said?

Mr. COOK. Some time in the fall, I think.

Senator POMERENE. In any event, it was before your conversation in Chicago, at Mr. McCordie's office, at which Gov. Morris, Senator Husting, and Mr. Titus were present?

Mr. COOK. Yes.

Senator POMERENE. Had you talked with anybody else about this conversation with Mr. Shields, other than Mr. McCordie, and what you had to say on the subject the day of the conference with the Wisconsin men to whom I have referred?

Mr. COOK. Had I talked with anyone else prior to that time?

Senator POMERENE. Yes.

Mr. COOK. I can not recall it.

Senator POMERENE. So it is a fair inference to say that these men must have obtained any knowledge they had on the subject of that conversation either from Mr. McCordic or from you, on this particular day?

Mr. COOK. If they knew nothing about it before; I suppose so.

Senator POMERENE. They could not know anything about it unless Mr. Shields had talked on the subject, except as they got it through Mr. McCordic or through you?

Mr. COOK. Probably not.

Senator POMERENE. Are you able to say, now, that you did not give to them, on that day, their first information on that subject?

Mr. COOK. I can not say.

Senator POMERENE. They did not say anything to you about an alleged interview between yourself and Mr. Shields before you mentioned the subject, did they?

Mr. COOK. Not to my knowledge; no, sir.

Senator POMERENE. So that, so far as that feature of the interview is concerned, it is your judgment, now, that you told them about it?

Mr. COOK. I should judge so.

Mr. LITTLEFIELD. That relates to the Shields conversation on the train from Duluth to Chicago?

Senator POMERENE. Yes.

Mr. COOK. I wish you would, since your attention has been directed to this conversation with Mr. Shields, go ahead in your own way and give that whole conversation and the circumstances attendant upon it, and try to give it in the order in which it occurred, as nearly as you can.

Mr. LITTLEFIELD. That is, the conversation on the train?

Senator POMERENE. Yes.

Start in at the beginning of it, and give it in detail as nearly as you can.

Mr. COOK. As I recollect it, I started in joking Shields about having trouble with Hines.

The CHAIRMAN. Suspend for a moment, Mr. Cook, while we swear a witness.

(Fred R. Zimmerman was thereupon duly sworn by the chairman.)

The CHAIRMAN. Proceed, Mr. Cook.

Mr. COOK. I think he admitted that he had had some trouble with him.

Senator POMERENE. With whom?

Mr. COOK. With Hines.

Senator POMERENE. Yes.

Mr. COOK. I made some kind of a break with him——

Senator POMERENE (interposing). What did you say?

Mr. COOK. I can not tell.

Senator POMERENE. I can understand that you can not give the exact language, Mr. Cook, but give the substance of it as nearly as you can.

Mr. COOK. I told him I understood that Hines was trying to get out of paying him what he agreed to, or something along that line, and that I understood he had been promised \$15,000 for some kind of a job and that Hines had only given him \$7,500.

Senator POMERENE. What did he say?

Mr. COOK. He said: "It is all fixed up. It is all fixed up."

Senator POMERENE. What was the "job" to which you refer? What did you say on that subject?

Mr. LITTLEFIELD. That is, what was the language used?

Senator POMERENE. Yes; as nearly as you can give it.

Mr. COOK. I think the language used was "the job down at Madison."

Senator POMERENE. What were you talking about? What kind of a job?

Mr. COOK. Well, the job that was connected with this talk that was going around that started the trouble.

Senator POMERENE. I know; but was not something said that enabled you and him to identify the job?

Mr. COOK. I could not say, except in a general way.

Senator POMERENE. To what did you have reference, when you were talking about the job?

Mr. COOK. I had reference to this talk that was going around about Shields being connected with the election of Senator Stephenson.

Senator POMERENE. That is what you had in mind?

Mr. COOK. Yes.

Senator POMERENE. Are you able to tell us whether he knew what you were talking about, or what you had reference to?

Mr. COOK. I assumed that he did.

Senator POMERENE. Did you know of any other job that he had on hand at Madison?

Mr. COOK. I had never heard of any.

Senator POMERENE. You said to him, then, as I understand you, that you understood he was going to get \$15,000 for the job, and that he settled with Hines for \$7,500?

Mr. COOK. It was something like that; yes.

Senator POMERENE. The substance of that was said between you?

Mr. COOK. Yes, sir.

Senator POMERENE. In that conversation you had reference to this senatorial job?

Mr. COOK. Yes, sir. I had reference to the talk that was going around about it.

Senator POMERENE. Is it your recollection that the conversation was so plain between you that you both readily understood what each was talking about?

Mr. COOK. That is my recollection.

Senator POMERENE. You are reasonably sure about that?

Mr. COOK. I always felt quite sure about that.

Senator POMERENE. And you gave the substance of this conversation to Gov. Morris and his associates in Chicago?

Mr. COOK. Yes, sir.

Senator POMERENE. After you had this talk with Mr. Shields on the train, in the fall of 1909—or in the winter of 1909, I believe you fixed it?

Mr. COOK. I thought it was in the fall.

Senator POMERENE. In the fall of 1909, then. Did you, after that, have any talk with Mr. Shields on this subject?

Mr. COOK. No, sir.

Senator POMERENE. When you had seen these gentlemen at Mr. McCordic's office, you did say that you would try to see Mr. Shields and urge him to tell what he knew on the subject and that you would report to Mr. McCordic?

Mr. Cook. I did; yes, sir.

Senator POMERENE. And you have explained to us that you did see him on the street and invited him to your office?

Mr. Cook. Yes, sir.

Senator POMERENE. At that time did you tell him the subject matter about which you wished to confer with him?

Mr. Cook. No, sir.

Senator POMERENE. Was anything said by you to him, or by him to you, which would indicate what the purpose of this conference was, or the subject matter of it?

Mr. Cook. No, sir.

Mr. LITTLEFIELD. That is, as to why he wanted to meet him in the office?

Senator POMERENE. Yes. You met him frequently after that, did you?

Mr. Cook. I met him once after that in Chicago, just for a minute; within two or three weeks after that, I think.

Senator POMERENE. Where?

Mr. Cook. At the La Salle Hotel, in the lobby.

Senator POMERENE. At that time did you make any reference to your invitation to him to call at your office in Duluth?

Mr. Cook. No, sir.

Senator POMERENE. Or did he refer to it in any way?

Mr. Cook. No, sir.

Senator POMERENE. Did you and he have any talk at that time?

Mr. Cook. Oh, we had a little talk; yes.

Senator POMERENE. With reference to this matter?

Mr. Cook. I suppose it was in reference to this matter.

Senator POMERENE. What was said?

Mr. Cook. Well, he told me he did not blame me for going after Hines, but he did not want me to hurt him.

Senator POMERENE. What else was said?

Mr. Cook. I do not like to say.

(After a pause:)

Senator POMERENE. The committee think you ought to answer that, Mr. Cook.

Mr. Cook. I would rather not answer it, Senator.

The CHAIRMAN. You will answer the question, Mr. Cook.

Mr. Cook. Well, he told me if I did anything to hurt him, he would shoot me. That is what he said.

Senator POMERENE. Was anything else said?

Mr. Cook. No, sir.

Senator POMERENE. What did you say to him?

Mr. Cook. I tried to talk with him, but he was considerably excited, and he went on out of the hotel.

Senator POMERENE. You tried to talk with him? What did you say to him?

Mr. Cook. I said, "Here, I want to see you"—something like that—"I want to talk with you." He went on out of the hotel. He was considerably excited, so I paid no further attention to him.

Senator POMERENE. Had you been attempting to injure him in any way?

Mr. COOK. None whatever.

Senator POMERENE. Had you talked with him at any time before this on the subject of the Stephenson matter, other than the conversation which you have given as having taken place aboard the train between Chicago and Duluth?

Mr. COOK. Not that I recollect; no, sir.

Senator POMERENE. Did you have at that time any information, other than what you have given here, concerning the subject matter of this investigation?

Mr. COOK. No, sir.

Senator POMERENE. Did he make any reference, directly or indirectly, in this Chicago interview to the conversation between you and him aboard the train?

Mr. COOK. No, sir; never.

Senator POMERENE. Or to any other conversation which may have occurred between you and him?

Mr. COOK. No, sir.

Senator POMERENE. Upon this subject?

Mr. COOK. No, sir.

Senator POMERENE. How long were you and he together in the La Salle Hotel before the conversation occurred which you have just related?

Mr. COOK. We were not together at all. We were both walking toward the door, and he spoke to me.

Senator POMERENE. Had you met by arrangement, or accidentally?

Mr. COOK. Accidentally.

Senator POMERENE. After you had returned to Duluth from Chicago, after that interview which you had with Gov. Morris and others, did you talk with your business associate, Mr. Haley, upon this subject?

Mr. COOK. I think I did.

Senator POMERENE. Did you tell Mr. Haley of your interview with Gov. Morris and Mr. Husting at Chicago?

Mr. COOK. Yes, sir.

Senator POMERENE. And of your talk with them aboard the train that day?

Mr. COOK. I do not remember telling them that.

Senator POMERENE. In any event, you discussed with Mr. Haley the subject matter of the conference in Chicago?

Mr. COOK. Yes, sir.

Senator POMERENE. Did you, in relating this to Mr. Haley, suggest to him that he see Mr. Shields and have a talk with him?

Mr. COOK. I think I did. I think I told Mr. Haley about wanting to see Mr. Shields and have a talk with him, and if he saw him to tell him that I wanted to see him.

Senator POMERENE. Do you know whether Mr. Haley reported to or had any talk with Mr. Shields on the subject after your talk with Mr. Haley?

Mr. COOK. I do not recollect any.

Senator POMERENE. Did you talk with Mr. Haley more than the one time upon this subject after your interview at Chicago?

Mr. COOK. I think I did.

Senator POMERENE. In the course of your conversation with Mr. Haley, did it develop as to whether or not he had seen Mr. Shields, as you had requested him to do?

Mr. COOK. I think Mr. Haley told me that he had seen Mr. Shields, and that Mr. Shields did not want to talk with me.

Senator POMERENE. What is the date of the interview with Mr. Haley to which you are referring and in which you got the information you have just given us?

Mr. COOK. I could not say. I could not give any date.

Senator POMERENE. About when was it?

Mr. COOK. Oh, it was some time within two or three weeks, as I recollect, after I had spoken to him about it.

Senator POMERENE. After you had spoken to Mr. Haley?

Mr. COOK. Yes, sir.

Senator POMERENE. When was it that you saw Mr. Shields in Chicago with reference to this second talk with Mr. Haley?

Mr. COOK. I could not say.

Senator POMERENE. Was it afterwards?

Mr. COOK. I could not say. I do not know whether it was before or afterwards.

Senator POMERENE. Have you any way of fixing the date of your conversation with Mr. Shields at the La Salle Hotel in Chicago?

Mr. COOK. No, sir.

Senator POMERENE. How long was it after your interview with Gov. Morris and Senator Husting?

Mr. COOK. I can not say.

Senator POMERENE. It was afterwards, was it?

Mr. COOK. Yes, sir.

Senator POMERENE. Are you able now, in thinking over the matter, to tell whether that was after your second talk with Mr. Haley?

Mr. COOK. I can not say. I do not know.

Senator POMERENE. I believe that is all I care to ask you now.

Mr. LITTLEFIELD. Has the Chair any further questions?

The CHAIRMAN. Not at this time. The witness is with you.

Mr. LITTLEFIELD. I want to ask only a few questions.

Referring only for a moment, Mr. Cook, to the conversation in Chicago with Gov. Morris and others, I understand you to say that you did not state to them that any part of the money was to be used for keeping Democrats out of the session?

Mr. COOK. No; I did not.

Mr. LITTLEFIELD. Did you state to them that any part of it was used for the payment of a special train that brought a man named Reader to the legislature?

Mr. COOK. No; I never heard of any special train until they told me that.

Mr. LITTLEFIELD. Did they tell you that at that time?

Mr. COOK. Yes, sir.

Mr. LITTLEFIELD. That is the first information you had about the special train?

Mr. COOK. Yes, sir.

Mr. LITTLEFIELD. With reference to the circumstances under which you met the gentlemen in Mr. McCordic's office, I understood you

to state in your original direct examination that you were in the habit of going to Mr. McCordic's office when you were in Chicago, he being your attorney?

Mr. COOK. Yes, sir.

Mr. LITTLEFIELD. Is it or not the fact that you transact whatever business you may have in Chicago from his office?

Mr. COOK. I do.

Mr. LITTLEFIELD. Had he been your personal counsel for some time?

Mr. COOK. Yes, sir.

Mr. LITTLEFIELD. For several years?

Mr. COOK. Yes, sir.

Mr. LITTLEFIELD. Were you in the habit of receiving correspondence at his office?

Mr. COOK. Yes, sir.

Mr. LITTLEFIELD. And going to his office to answer your correspondence?

Mr. COOK. Yes, sir.

Mr. LITTLEFIELD. And consulting with him in connection with your personal matters?

Mr. COOK. Yes, sir.

Mr. LITTLEFIELD. I so inferred from something that you have said in relation to some of these matters which have been in controversy.

Mr. COOK. Yes, sir.

Mr. LITTLEFIELD. On this particular morning, do you remember whether you went to the office in accordance with your usual custom, without being called there particularly by Mr. McCordic?

Mr. COOK. I can not say.

Mr. LITTLEFIELD. You are not quite certain of that?

Mr. COOK. No, sir.

Mr. LITTLEFIELD. Do you remember whether or not you were called by him over the telephone, and your attention called to the fact that these gentlemen from Wisconsin were there waiting to meet you? Do you remember whether he did or not?

Mr. COOK. I do not remember, sir.

Mr. LITTLEFIELD. What is your best recollection about that?

Mr. COOK. I have none. I can not say as to that at all.

Mr. LITTLEFIELD. When you arrived at the office that morning, who was in the office, so far as you remember?

Mr. COOK. I can not say.

Mr. LITTLEFIELD. Is it your recollection that Mr. Husting and Mr. Morris and Mr. Titus came in after you arrived, or that they were there when you arrived?

Mr. COOK. It is my recollection that they came in there afterwards; but I may be wrong on that. I will not say positively.

Mr. LITTLEFIELD. How long before that had you seen this Mr. Titus?

Mr. COOK. I can not say.

Mr. LITTLEFIELD. Some time before?

Mr. COOK. I think so.

Mr. LITTLEFIELD. Was Mr. Titus an acquaintance of yours?

Mr. COOK. No, sir.

Mr. LITTLEFIELD. Where did you see him?

Mr. COOK. I met him there in Mr. McCordic's office.

Mr. LITTLEFIELD. About how long before?

Mr. COOK. I can not say.

Mr. LITTLEFIELD. Was it in relation to this particular matter, or was it generally, incidentally?

Mr. COOK. I think this matter was brought up while he was there.

Senator POMERENE. Let me understand; I am a little confused. Do I understand from your questions, Mr. Littlefield, that it is claimed that there was a meeting between Mr. Cook and Mr. Titus before the particular day as to which he has testified?

Mr. LITTLEFIELD. Yes. I understand Mr. Cook is now stating that prior to his meeting the three gentlemen in Mr. McCordic's office he at one time met Mr. Titus there. Am I right about that?

Mr. COOK. I think you are right about that.

Senator POMERENE. I did not understand. Your question was open to that construction.

Mr. LITTLEFIELD. You do not know how long before it was that you met him there?

Mr. COOK. No, sir.

Mr. LITTLEFIELD. Your recollection is that something was said about these political matters at that time?

Mr. COOK. Something was said.

Mr. LITTLEFIELD. Do you remember what?

Mr. COOK. No, sir.

Mr. LITTLEFIELD. Was it in the presence of your attorney, Mr. McCordic?

Mr. COOK. Yes.

Mr. LITTLEFIELD. Was Mr. McCordic formerly a resident of Superior?

Mr. COOK. Of Duluth.

Mr. LITTLEFIELD. And it is because of that, I suppose, that you happened to keep your connection with him?

Mr. COOK. Yes, sir.

Mr. LITTLEFIELD. You have resided in Duluth how long?

Mr. COOK. For about 20 years.

Mr. LITTLEFIELD. You are a man of what age?

Mr. COOK. Forty-four.

Mr. LITTLEFIELD. Was Mr. McCordic practicing law in Duluth before he went to Chicago?

Mr. COOK. Yes, sir.

Mr. LITTLEFIELD. Had he been your attorney in Duluth?

Mr. COOK. No, sir.

Mr. LITTLEFIELD. But you knew him in Chicago as a former resident of Duluth?

Mr. COOK. Yes, sir.

Mr. LITTLEFIELD. Have you any other attorney in Chicago?

Mr. COOK. No, sir.

Mr. LITTLEFIELD. Is Mr. McCordic still your attorney?

Mr. COOK. Yes, sir.

Mr. LITTLEFIELD. And he represents you in all of your private matters?

Mr. COOK. Yes, sir.

Mr. LITTLEFIELD. And in all of your business matters where you may have any difficulties or controversies?

Mr. COOK. Yes; in Chicago.

Mr. LITTLEFIELD. I mean in Chicago. Have you counsel in Duluth?

Mr. COOK. Yes.

Mr. LITTLEFIELD. Who are they?

Mr. COOK. Washburn, Bailey & Mitchell.

Mr. LITTLEFIELD. Did you ever learn of the fact that at one time Mr. Shields was engaged in looking up witnesses who were understood to be on a parlor car or a Pullman car in connection with some conversation that was supposed to have been made by Mr. Wiehe? Do I get that name correctly?

Mr. COOK. Yes.

Mr. LITTLEFIELD. Do you remember that at some time Mr. Shields was engaged in the business of looking up those witnesses?

Mr. COOK. So I understood.

Mr. LITTLEFIELD. Your attention had been called to that?

Mr. COOK. Not particularly.

Mr. LITTLEFIELD. You knew of it?

Mr. COOK. That is what I understood.

Mr. LITTLEFIELD. Was that before or after the conversation with Mr. Shields, which occurred on the train from Duluth to Chicago, about which you have testified?

Mr. COOK. This work of his?

Mr. LITTLEFIELD. Yes.

Mr. COOK. Afterwards.

Mr. LITTLEFIELD. I inferred from something you stated on your direct examination that Mr. Shields had had several controversies with Mr. Hines. I do not know that I got that right.

Mr. COOK. Not that I know of.

Mr. LITTLEFIELD. You do not know of any other, except this controversy of which you have spoken, of which you learned in this hearsay way?

Mr. COOK. That is all I ever heard of.

Mr. LITTLEFIELD. I wish to call your attention just for a moment, Mr. Cook, to a statement that you made in relation to the conversation which occurred in Chicago in the Grand Pacific Hotel, wherein you testified to some statements made by Mr. Hines. You have already testified in connection with that conversation before the senatorial committee investigating the Lorimer case?

Mr. COOK. Yes, sir.

Mr. LITTLEFIELD. At that time, I suppose, you gave all of the conversation that you remembered?

Mr. COOK. Yes, sir.

Mr. LITTLEFIELD. I wish to call your attention to this particular clause, for the purpose of ascertaining whether you feel confident that Mr. Hines at that time applied it to Senator Stephenson, or to other Senators to whom he was referring in the conversation. Your statement this morning was that he said, "I had a terrible job getting him lined up right." I do not know that I quote the exact words, but that is the substance of it. I should like to have you refresh your recollection a little about that conversation, and state whether you feel certain that Mr. Hines, according to your recollection, applied that expression to Senator Stephenson, or to some Democratic Senators to whom you referred in the same conversation? To be per-

fectly frank, I will refresh your recollection by reading what you did say in the Lorimer case.

Senator POMERENE. From what page do you propose to read?

Mr. LITTLEFIELD. From page 626 of the Lorimer testimony. I want to be fair with you, Mr. Cook, and I will read the whole statement here so as to give you an opportunity to refresh your recollection. I am reading your answer:

Mr. Cook. Mr. Hines replied, saying that he was having a hell of a time. He said, "For instance, there is old Stephenson. After I went to work and elected him, he goes down to Washington and starts working for free lumber." He says, "What do you think of him, and in the lumber business, too?" "Then," he says, "those southern Democrats;" he says, "there is the worst bunch I ever tackled." [Laughter] Then he says, "You get them all fixed up to-day and to-morrow they flop." [Laughter.] "Then I have to go and fix them all over again." [Laughter.]

That, in substance, I think, is all you said in relation to the question of getting people in line, or otherwise. Calling your attention to your statement, what I should like to have you do is to state whether or not you feel confident that Mr. Hines used the expression which you have stated here with reference to Senator Stephenson, or whether it may not have referred to other Senators—of course, without going into any detail?

Mr. Cook. Mr. Hines used that expression before he referred to the southern Democrats.

Mr. LITTLEFIELD. You do not state so here in your testimony.

Mr. Cook. I may not have. It might not be. I do not know.

Mr. LITTLEFIELD. Your recollection is that he did use it with reference to Senator Stephenson?

Mr. Cook. Yes, sir.

Mr. LITTLEFIELD. Without going into it in detail, I suppose there is not any question about there being considerable feeling between yourself and Mr. Hines?

Mr. Cook. There is no question at all about that, sir.

Mr. LITTLEFIELD. You feel rather bitterly toward him; and I presume he reciprocates the feeling?

Mr. Cook. I hope so.

Mr. LITTLEFIELD. That has been rather your desire, has it not?

Mr. Cook. That does not make any difference to me. Mr. Hines has been very busy for the last six or eight months watching me with four or five detectives all of the time, and I can not move anywhere without he knows to whom I am talking. I presume there are two or three of them right in this room now.

Mr. LITTLEFIELD. Then they will get the benefit of all that we say, if they are.

Mr. Cook. I could tell them a whole lot of things if they wanted to come up and ask me, and I would save them a lot of trouble in going around.

Mr. LITTLEFIELD. Are you engaged in business with any gentlemen in Duluth as members of a firm? There has been frequent reference to partners and to members of a firm. I do not know what the fact is in that regard. For instance, what are your relations with Mr. O'Brien and Mr. Turrish?

Mr. Cook. Mr. Turrish and I used to be partners.

Senator POMERENE. In what?

Mr. COOK. In the timber business; and we are yet.

Mr. LITTLEFIELD. That is, as to some matters?

Mr. COOK. Yes.

Mr. LITTLEFIELD. Is Mr. O'Brien a member of the firm?

Mr. COOK. No, sir.

Senator POMERENE. You are speaking now of the partnership?

Mr. LITTLEFIELD. Yes. Is there anyone else who is a member of the firm with yourself and Mr. Turrish?

Mr. COOK. No, sir.

Mr. LITTLEFIELD. Mr. O'Brien's business relations with you are relations as a stockholder and officer in corporations in which you are a stockholder?

Mr. COOK. Yes; and we have been partners together in different deals beside that.

Mr. LITTLEFIELD. And are you still?

Mr. COOK. Yes; we are still in some things. We own together.

Mr. LITTLEFIELD. I did not understand that you meant to say that you are in general partnership.

Mr. COOK. No, sir.

Mr. LITTLEFIELD. But you are now carrying on enterprises in which you and Mr. O'Brien are jointly interested, and also other enterprises in which you and Mr. Turrish are jointly interested. That is the fact, is it?

Mr. COOK. Yes, sir.

Mr. LITTLEFIELD. Mr. Turrish was present during the conversation in the Grand Pacific Hotel which you have stated in connection with Mr. Hines, was he not?

Mr. COOK. Yes, sir.

Mr. LITTLEFIELD. Was he present so that he could hear the conversation?

Mr. COOK. Mr. Hines was talking with Mr. Turrish.

Mr. LITTLEFIELD. Oh! Mr. Turrish was the man with whom he was talking?

Mr. COOK. Yes, sir.

Mr. LITTLEFIELD. I believe you did state that you overheard the conversation, and the conversation as overheard was a conversation between Mr. Hines and Mr. Turrish?

Mr. COOK. Yes.

Mr. LITTLEFIELD. And Mr. Turrish is your present partner in some of these matters?

Mr. COOK. Yes, sir.

Mr. LITTLEFIELD. Was anyone present on the train from Duluth to Chicago when you had the conversation with Mr. Shields?

Mr. COOK. Not that I know of.

Mr. LITTLEFIELD. Where did it take place? Were you in a section or in the drawing room?

Mr. COOK. We were in a buffet car.

Mr. LITTLEFIELD. Lunching?

Mr. COOK. No; smoking.

Mr. LITTLEFIELD. Were there any other persons present in that buffet car, so far as you remember?

Mr. COOK. I think there were one or two others in that car.

Mr. LITTLEFIELD. Do you have any recollection as to who they were?

Mr. COOK. No, sir.

Mr. LITTLEFIELD. What train was it? Do you remember when it left Duluth for Chicago?

Mr. COOK. It was the night train.

Mr. LITTLEFIELD. Is there only one?

Mr. COOK. I do not know whether there were two trains on then or not. It is a train leaving at 5.15 or 6 o'clock.

Mr. LITTLEFIELD. Leaving Duluth?

Mr. COOK. Yes. They call it the "Chicago limited."

Mr. LITTLEFIELD. On the Chicago & North Western?

Mr. COOK. Yes, sir.

Mr. LITTLEFIELD. Are you able, on further recollection, to approximate more nearly the date when this conversation on the train took place?

Mr. COOK. No, sir.

Mr. LITTLEFIELD. That is, the nearest you can state is that it was some time in the fall of 1909?

Mr. COOK. Yes. I would be coming down pretty nearly every week or every 10 days.

Mr. LITTLEFIELD. There is nothing by which you can fix this special trip?

Mr. COOK. No, sir.

Mr. LITTLEFIELD. Do you stop at the Grand Pacific Hotel, or at the La Salle?

Mr. COOK. Sometimes I stop at the La Salle, and sometimes at the Grand Pacific.

Mr. LITTLEFIELD. Do you remember where you stopped on that particular occasion?

Mr. COOK. I think I was stopping at the Grand Pacific.

Mr. LITTLEFIELD. That is, you went from the station to the Grand Pacific?

Mr. COOK. I think so.

Mr. LITTLEFIELD. Did Mr. Shields go through to Chicago with you?

Mr. COOK. I think not.

Mr. LITTLEFIELD. Do you remember where he got off the train?

Mr. COOK. I think he got off at Chippewa Falls. That is my impression.

Mr. LITTLEFIELD. That is about how far from Duluth?

Mr. COOK. 150 or 160 miles.

Mr. LITTLEFIELD. I suppose you can not fix the month?

Mr. COOK. No, sir.

Mr. LITTLEFIELD. What time does that train reach Chippewa Falls?

Mr. COOK. They changed the time on that train. It used to get there, I think, at 9.50, or something like that. It does not get there now until 10.50, I think.

Mr. LITTLEFIELD. Do you remember whether Mr. Shields took the train with you at Duluth? I suppose it stops at Superior. I am not familiar with the stations.

Mr. COOK. Yes, sir.

Mr. LITTLEFIELD. Where does Mr. Shields live?

Mr. COOK. In Superior.

Mr. LITTLEFIELD. Do you remember whether on that occasion he took the train at Duluth or at Superior?

Mr. COOK. I think at Superior.

Mr. LITTLEFIELD. Did you take your dinner or luncheon on the train or had you had your dinner before you took the train?

Mr. COOK. No; we always eat on the train.

Mr. LITTLEFIELD. What is it—a buffet or a regular dining car?

Mr. COOK. There is a buffet smoker ahead.

Mr. LITTLEFIELD. A lunching and dining car?

Mr. COOK. No; the dining car is in the rear or back in the middle of the train.

Mr. LITTLEFIELD. So that your dinner would not be taken in the buffet car?

Mr. COOK. No, sir.

Mr. LITTLEFIELD. But would be taken in the dining car?

Mr. COOK. Yes, sir.

Mr. LITTLEFIELD. Did Mr. Shields dine with you, or do you remember?

Mr. COOK. I do not think he did. I would not be sure.

Mr. LITTLEFIELD. Do you remember whether any one did?

Mr. COOK. I would not say.

Mr. LITTLEFIELD. Do you remember whether anyone did? car with you?

Mr. COOK. I could not say.

Mr. LITTLEFIELD. I understand this conversation with Mr. Shields was of a jocular character?

Mr. COOK. Yes.

Mr. LITTLEFIELD. You were rather “joshing” him, I suppose?

Mr. COOK. I was.

Mr. LITTLEFIELD. And was it received by him in the same way? That is, did he carry on his part of the conversation in a joshing style?

Mr. COOK. He did not have much to say. He said it was all fixed up. That is about all.

Mr. LITTLEFIELD. As a matter of fact, then, he really did not make very much conversation?

Mr. COOK. No, sir.

Mr. LITTLEFIELD. Do you recollect definitely anything that he did say, except to state that everything was all fixed up?

Mr. COOK. He was talking some about Hines.

Mr. LITTLEFIELD. Do you recollect any particular thing that he said?

The CHAIRMAN. Unless it relates to this matter, I would not bring it out. There seems to be a feud between these gentlemen.

Mr. LITTLEFIELD. I do not want to bring it out if it was something that did not relate to this matter.

Mr. COOK. You better not ask it, then.

Mr. LITTLEFIELD. It did not relate to this?

Mr. COOK. Not particularly.

Mr. LITTLEFIELD. I think that is all.

Senator POMERENE. Mr. Cook, where does Mr. Turrish live?

Mr. COOK. In Duluth.

Senator POMERENE. Does he live there now?

Mr. COOK. Yes, sir.

Senator POMERENE. Is he in Duluth at this time?

Mr. Cook. I think he went West last week. I understood, day before yesterday, that he had gone West.

Senator POMERENE. Where?

Mr. Cook. Either to Idaho or to Portland, Oreg. I think I heard his bookkeeper say that he was going to be in Idaho for a couple of weeks, and then was going from there on to Portland, Oreg.

Senator POMERENE. Is Mr. Haley in Duluth?

Mr. Cook. He was there day before yesterday.

Senator POMERENE. You have no knowledge of his being away from there?

Mr. Cook. Only up around his camps, or something like that.

Mr. LITTLEFIELD. But you could reach him, I suppose, at any time in his camps?

Mr. Cook. I think so.

Senator POMERENE. At the time of this talk with Mr. Shields, you say you spoke in a jocular way. Is that when you first brought up the conversation?

Mr. Cook. Yes, sir.

Senator POMERENE. How was he? Was he more or less excited about it?

Mr. Cook. He is always excited.

Senator POMERENE. Was he on this occasion?

Mr. Cook. Yes, sir.

Senator POMERENE. Much excited?

Mr. Cook. Not any more than ordinarily. He is very nervous, and he appears to be excited most of the time when he is talking.

Senator POMERENE. That is all.

Mr. LITTLEFIELD. That is all.

The CHAIRMAN. You are excused.

Mr. LITTLEFIELD. Do I understand that the witness is excused finally?

The CHAIRMAN. I understand you want to go to Chicago and to return here?

Mr. Cook. I do; yes, sir. At any time you want me here, I can come. I would like to go to Chicago and then to go right on home.

Mr. LITTLEFIELD. As far as we are concerned, anything that suits Mr. Cook's convenience is agreeable to us.

The CHAIRMAN. I think this witness should be here when Mr. Shields is examined. Mr. Shields will be on the stand in a few minutes. You had better remain in attendance to-day. Mr. Shields will be testifying, and you should hear what he has to say.

Mr. Cook. Very well.

The CHAIRMAN. While Mr. Shields is being brought in, we will call Mr. Lyons.

TESTIMONY OF E. H. LYONS.

E. H. LYONS, having been heretofore duly sworn, testified as follows:

The CHAIRMAN. Mr. Lyons, you were a member of the State senate in 1908-9?

Mr. LYONS. Yes.

The CHAIRMAN. Were you elected in 1908?

Mr. LYONS. 1908.

The CHAIRMAN. Is that the first time that you served in the Senate?

Mr. LYONS. Yes.

The CHAIRMAN. Are you the present senator?

Mr. LYONS. Yes.

The CHAIRMAN. Do you represent the eighteenth senatorial district?

Mr. LYONS. Yes.

The CHAIRMAN. Your residence is Fond du Lac?

Mr. LYONS. Yes.

The CHAIRMAN. During the senatorial campaign, or the campaign of 1908, did you receive any money from the managers of, or anyone representing, Senator Stephenson?

Mr. LYONS. No, sir.

The CHAIRMAN. Did you receive a sum of \$100 during the time you were in the legislature from Mr. Haight?

Mr. LYONS. No, sir.

The CHAIRMAN. On page 1662 of your testimony before the Senate committee the following question was asked you:

Did you receive any money in connection with the campaign after the primary?

To which you answered:

Why, I don't feel that I am compelled to answer that, but I will answer. Yes, sir; I got \$100.

Is that correct?

Mr. LYONS. Yes, sir.

The CHAIRMAN. From whom did you receive it?

Mr. LYONS. L. W. Thayer.

The CHAIRMAN. Mr. Thayer handed it to you in person, did he?

Mr. LYONS. Yes, sir. It was a check issued by the State central committee.

The CHAIRMAN. By the Republican State central committee?

Mr. LYONS. Yes, sir.

The CHAIRMAN. By whom was it signed?

Mr. LYONS. The secretary. I do not just remember his name.

The CHAIRMAN. When did you receive it?

Mr. LYONS. I think it was about two weeks prior to the fall election.

The CHAIRMAN. Between the primary nomination and the election?

Mr. LYONS. Oh, yes; yes—nearer to the election than it was to the primary.

The CHAIRMAN. Did you make a statement at any time on the floor of the senate or of the legislature to the effect that you received \$100 "to the good"?

Mr. LYONS. Why, I think I did, jokingly. I think I did. I am not going to be positive that I did, but I rather believe I did.

The CHAIRMAN. I find in the testimony of Mr. Zimmerman a statement to that effect. You say you did make that statement?

Mr. LYONS. I do not think I ever made that statement to Mr. Zimmerman, though.

The CHAIRMAN. No; it is charged that you made it, without stating to whom you made it.

Mr. LYONS. I think I jokingly made that remark.

The CHAIRMAN. What did you mean by that?

Mr. LYONS. Why, there was a gentleman by the name of Mr. Haight talking to me one morning, and he made some remark regarding the amount of money that had been spent, and I think he incidentally mentioned that he did not get any of it. "Well," I said, "I did; I got \$100." He said, "What for?" I said, "Why, to be good." I did not attach any importance to it and did not consider that it was going to make me good. I simply made the remark, never dreaming that I would be called upon at this time to rehash it.

Senator POMERENE. It would not take \$100 to make you good, would it?

Mr. LYONS. Why, no. I calculate that I am pretty good without it.

The CHAIRMAN. I call your attention to the testimony of Mr. Zimmerman, on page 552, in which the following appears:

Q. Don't you remember some member of the legislature that you heard say he had been given \$100?—A. No, sir.

Q. How?—A. No, sir; Senator Lyons did say, on the floor of the assembly, that he had a hundred dollars "to be good."

Q. Who?—A. Senator Lyons. But then I didn't hear that.

Mr. LYONS. I guess not.

The CHAIRMAN. But you did say it?

Mr. LYONS. Why, I do not know; I could not swear that I did, but I am not going to swear that I did not, because I believe I did.

The CHAIRMAN. You received that money, you think, from the Republican State Central Campaign Committee?

Mr. LYONS. I know it positively.

The CHAIRMAN. It was for your own personal use, was it?

Mr. LYONS. Yes, sir.

The CHAIRMAN. You were then engaged in making a campaign of the State?

Mr. LYONS. Of the district; yes.

The CHAIRMAN. Of your district, rather?

Mr. LYONS. Yes.

The CHAIRMAN. And you were elected?

Mr. LYONS. Yes, sir.

The CHAIRMAN. Did you vote for Senator Stephenson?

Mr. LYONS. Yes, sir; I agreed to.

The CHAIRMAN. When did you agree to?

Mr. LYONS. I agreed to before I was nominated—that I would support the nominee of the primary, though I never liked the primary. But I agreed to do that, and I stuck to it.

The CHAIRMAN. You say you never liked the direct primary?

Mr. LYONS. No; I do not like it now.

The CHAIRMAN. Could you give a list of the people who do in this State?

Mr. LYONS. Why, yes; I could.

The CHAIRMAN. We will not call on you to do it now.

Mr. LYONS. Mr. Chairman, there is one particular feature of that senatorial committee's report that I should like to correct.

The CHAIRMAN. You are at liberty to do so.

Mr. LYONS. I am not able to state the page that it is on, but I think they have quoted me there as saying that L. W. Thayer was opposed to me. I know better than that, because he was a particular friend of mine all the way through.

The CHAIRMAN. I suppose that is the portion of the testimony found on pages 1665 and 1666. I do not know that that is material, except as you may want to correct it.

Mr. LYONS. I wanted to correct it; that was all. I did not think it was material to this case, but I wanted to correct it.

The CHAIRMAN (to Mr. Littlefield). The witness is with you, if you desire to ask him any questions.

Mr. LITTLEFIELD. You say this \$100 came from the State central committee?

Mr. LYONS. Yes, sir.

Mr. LITTLEFIELD. Was it for use in the general campaign?

Mr. LYONS. I am going to recite the same thing that I did before the investigating committee of the Senate. Mr. Thayer said to me:

We realize that you have spent considerable money in the campaign, and we feel that we can afford to give you a hundred dollars on the fund collected.

I said:

I do not want your money.

He said:

Well, you might just as well have it, because the committee feel they can afford to give it to you.

Mr. LITTLEFIELD. That was the general fund—the general Republican campaign fund?

Mr. LYONS. Yes; which I contributed to myself.

Mr. LITTLEFIELD. To which you had subscribed?

Mr. LYONS. Yes, sir.

Mr. LITTLEFIELD. With reference to the \$100 for “being good;” was any \$100 ever paid you for any such purpose?

Mr. LYONS. No; no.

Mr. LITTLEFIELD. Did it occur to you for a minute that anybody would get that impression from the remark you made.

Mr. LYONS. Why, no; I did not have any intention that it was going to be so construed at all.

Mr. LITTLEFIELD. And it is not entitled to any such construction.

Mr. LYONS. Not a bit.

Mr. LITTLEFIELD. Did anything that was ever paid to you at any time have any effect upon your vote?

Mr. LYONS. Not a particle, because there was not anything paid to me except that.

Mr. LITTLEFIELD. And that came under the circumstances you speak of?

Mr. LYONS. Just exactly as I tell it here.

Mr. LITTLEFIELD. That is all.

TESTIMONY OF R. J. SHIELDS.

R. J. SHIELDS, being duly sworn, testified as follows:

The CHAIRMAN. Where do you reside?

Mr. SHIELDS. Superior, Wis.

The CHAIRMAN. How long have you resided there?

Mr. SHIELDS. Twenty-five years.

The CHAIRMAN. What is your business?

Mr. SHIELDS. Insurance, land, and timber; buying and selling lands and timber, and the insurance business.

The CHAIRMAN. Are you a member of a firm, or is it a partnership?

Mr. SHIELDS. A corporation.

The CHAIRMAN. What is the name of the corporation?

Mr. SHIELDS. There are two corporations, one in Minnesota and one in Wisconsin; the Harper-Shields Agency, in Wisconsin, and the Harper-Shields Co., in Duluth, Minn.

The CHAIRMAN. What position do you have in either or both of those companies?

Mr. SHIELDS. Treasurer.

The CHAIRMAN. Of both of them?

Mr. SHIELDS. Yes, sir.

The CHAIRMAN. Have you any other office?

Mr. SHIELDS. I think not. I am not positive, however; I think not.

The CHAIRMAN. Mr. Shields, did you take any part in the campaign in which Senator Stephenson was nominated for the United States Senate in 1908?

Mr. SHIELDS. Yes, sir.

The CHAIRMAN. What part did you take?

Mr. SHIELDS. I assisted in the primary.

The CHAIRMAN. Did you receive any money from any person in connection with those services?

Mr. SHIELDS. Yes, sir; yes, sir.

The CHAIRMAN. How much did you receive?

Mr. SHIELDS. I do not recall the amount; six or seven hundred dollars; something like that.

The CHAIRMAN. By whom was that money paid to you?

Mr. SHIELDS. Mr. Perrin paid \$250; and the balance, I think, came from Mr. Edmonds.

The CHAIRMAN. Did it come in the shape of a check or a draft?

Mr. SHIELDS. I rather think it was a draft.

The CHAIRMAN. You estimate or fix the amount at about seven or eight hundred dollars; do you?

Mr. SHIELDS. About \$700, I should say.

The CHAIRMAN. How much of that was paid to you for your own services?

Mr. SHIELDS. Nothing.

The CHAIRMAN. How much of that did you pay out to others?

Mr. SHIELDS. I paid most of it out—practically all of it out.

The CHAIRMAN. All of it?

Mr. SHIELDS. Yes, sir.

The CHAIRMAN. Have you any account of the sums that you paid out, showing to whom you paid them?

Mr. SHIELDS. I think I can tell about what I did with the money.

The CHAIRMAN. Suppose you tell us what you did with that money. In the first place, about when did you receive it?

Mr. SHIELDS. Some time in the spring, up to—between, say, April and September. It was before the primary, some time. I do not recall the dates. Probably June or July.

The CHAIRMAN. The primary was on September 1.

Mr. SHIELDS. Yes. It was prior to that time—some months prior. I should say I paid out about \$150 for men to circulate the petitions,

getting the signers in the different wards to make up the nomination papers.

The CHAIRMAN. In what county?

Mr. SHIELDS. In Douglas County. I was assisting Judge Jenkins in attempting to procure his renomination for Congress. Mr. Perrin was managing Senator Stephenson's campaign in the district, and we concluded that we would hire Mr. Starkweather, who is considerable of an orator and talker, to go around the two counties, Bayfield and Washburn, or the eleventh congressional district, and talk for Jenkins, and do what he could for Senator Stephenson. So we paid him \$500—\$250 from Senator Stephenson's money, and \$250 from the Jenkins campaign fund. Then I spent possibly \$200 in going through Bayfield County to different towns.

Senator POMERENE. How much?

Mr. SHIELDS. Say \$200, and I paid \$25 apiece to two fellows—one a livery-stable keeper at Iron River and one a saloon-keeper in my town—whom I sent to Cato, Wis., to see what steps could be taken down there to advance the Senator's interests. The balance of the money was spent in the expenses of going around. I used to go to these different towns in Bayfield and Douglas Counties, and never kept an accurate account of the money used, just to see whether the sentiment was growing both for Jenkins and for the Senator.

The CHAIRMAN. Did you spend part of this money for treats in the saloons and hotels?

Mr. SHIELDS. I do not think so. I do not know, however.

The CHAIRMAN. You can not give us any statement in regard to that?

Mr. SHIELDS. No, sir. I figured that I spent more money than I got.

The CHAIRMAN. You did spend more than you received, did you?

Mr. SHIELDS. I did; yes, sir.

The CHAIRMAN. Mr. Shields, were you at Madison during the time the legislature was considering the election of a United States Senator?

Mr. SHIELDS. I was there in the latter part of February and the fore part of March.

The CHAIRMAN. Were you there during the month of January?

Mr. SHIELDS. I think not.

The CHAIRMAN. Do you remember when you first went to Madison in connection with the matter of the election of Senator Stephenson?

Mr. SHIELDS. I think in the latter part of February.

The CHAIRMAN. About what time in the latter part of February?

Mr. SHIELDS. I can not give the date; I should say maybe the 25th or 23d.

The CHAIRMAN. Did you register at the hotel there when you went there?

Mr. SHIELDS. Yes, sir.

The CHAIRMAN. And the register will indicate the date?

Mr. SHIELDS. It will show; yes, sir.

The CHAIRMAN. At what hotel did you stop?

Mr. SHIELDS. The Park Hotel.

The CHAIRMAN. Did you go alone?

Mr. SHIELDS. Yes, sir.

The CHAIRMAN. For what purpose did you go to Madison?

Mr. SHIELDS. I went to see if I could assist in bringing about the ratification of the election of the Senator. They were voting then, and had been voting for some time.

The CHAIRMAN. You went there in the interest of Senator Stephenson, did you?

Mr. SHIELDS. Partially, not wholly. There was some legislation down there—

The CHAIRMAN. You were not supporting anybody else but Senator Stephenson?

Mr. SHIELDS. Oh, yes; I was supporting the Senator, but I did not come upon his request.

The CHAIRMAN. Did you have any conference with Senator Stephenson before you went there, at any time, with reference to going?

Mr. SHIELDS. I never have seen Senator Stephenson to talk with him but once in 25 years, and that was about 4 or 5 years ago, when his eyes were ailing. I was at Marinette, Wis., for the purpose of selling the Wells estate some paper—about \$200,000 worth of paper that I had—and I made an appointment with Senator Stephenson at his house.

The CHAIRMAN. And that is the only time you have seen him in 25 years?

Mr. SHIELDS. That is the only time I have seen the Senator in 25 years.

The CHAIRMAN. That is, you mean, the only time you have seen him to talk to him?

Mr. SHIELDS. Seen him to talk to him—that is what I have reference to; yes, sir.

The CHAIRMAN. Have you had communication with him by letter during that time?

Mr. SHIELDS. Nothing, unless to write him a letter to indorse some candidate for an office or something like that.

The CHAIRMAN. Nothing pertaining to the Senatorship?

Mr. SHIELDS. Oh, nothing at all; nothing whatever.

The CHAIRMAN. Were you at Madison on the day of the election of a United States Senator?

Mr. SHIELDS. I was; yes, sir.

The CHAIRMAN. Did you know of the circumstance of three men walking out of the legislature or remaining out of the legislature (that is a better phrase)—Mr. Farrell, Mr. Towne, and Mr. Ramsey?

Mr. SHIELDS. I did not know anything about it until after it had occurred.

The CHAIRMAN. Did you have any talk with anyone prior to the time they left the legislative hall?

Mr. SHIELDS. No, sir. You mean relative to these three men?

The CHAIRMAN. Relative to these three.

Mr. SHIELDS. No, sir.

The CHAIRMAN. Or relative to any other men absented themselves for the purpose of affecting the result?

Mr. SHIELDS. No, sir.

The CHAIRMAN. Did you have anything to do with the fact that certain men, or any members of the legislature, absented themselves on that occasion?

Mr. SHIELDS. No, sir.

The CHAIRMAN. Did you talk to anyone about it, either before or during the time of their absence, or afterwards?

Mr. SHIELDS. I knew that they had absented themselves after it had occurred.

The CHAIRMAN. How soon did you know that?

Mr. SHIELDS. I knew it during the afternoon. When Senator Stephenson was declared elected, some time after that during the day I knew that these three men had absented themselves, or it was said that they did.

The CHAIRMAN. Were you in on the floor or in the lobby when the vote was taken?

Mr. SHIELDS. I think I was; yes, sir. But I would not know from that, because I was not keeping any record as to the vote. I did not know what brought it about.

The CHAIRMAN. Did you talk with any members of the legislature with reference to the manner of their voting on this question of the senatorship, as to whom they should vote for?

Mr. SHIELDS. No, sir; unless it be the members of the legislature from the district in which I live, the county in which I live. But they were voting for Senator Stephenson all the time. They are the only parties that I talked with at Madison at all among the members of the legislature.

Mr. LITTLEFIELD. Do you refer to the members from Douglas County?

Mr. SHIELDS. The members from Douglas County—the two members of the assembly from Douglas County, and the State senator from that district, which was then three counties.

The CHAIRMAN. Did you have any talk with anybody in the city of Milwaukee with reference to bringing about the election of Senator Stephenson by procuring the absence of certain members of the legislature?

Mr. SHIELDS. I do not think so; no, sir.

The CHAIRMAN. Do you say you did not?

Mr. SHIELDS. Yes; I think I did not. To the best of my recollection I said nothing.

The CHAIRMAN. You did not have any talk with Mr. Reagan about it?

Mr. SHIELDS. I do not think so.

The CHAIRMAN. You know, Mr. Reagan, do you not?

Mr. SHIELDS. Yes, sir; I know him very well.

The CHAIRMAN. And you say you had no talk whatever with him in regard to a plan to procure the absence of certain members in order to affect a quorum, and the vote?

Mr. SHIELDS. Yes, sir; I say that I did not.

The CHAIRMAN. You did not?

Mr. SHIELDS. To the best—well, I will say I did not.

The CHAIRMAN. You would remember it if you had, would you not?

Mr. SHIELDS. I think so; yes.

The CHAIRMAN. It has been charged that you have stated that you brought about the election of Senator Stephenson by the use of money which you procured either from Mr. Hines or from Senator Stephenson. Is that true?

Mr. SHIELDS. It is not.

The CHAIRMAN. It has been charged that you went to Washington to see Senator Stephenson in regard to methods calculated to aid in his election to the Senate.

Mr. SHIELDS. I never saw Senator Stephenson in Washington except from the gallery.

The CHAIRMAN. Did you tell anyone that you had received money from Senator Stephenson or from Mr. Hines, the lumberman, to bring about or assist in the election of Senator Stephenson?

Mr. SHIELDS. No, sir.

The CHAIRMAN. Are we to understand that all of these stories that are being published and spoken in regard to your connection with the election of a United States Senator are untrue and without foundation?

Mr. SHIELDS. I mean to say that I took but very little part and did very little to accomplish the election of Senator Stephenson.

The CHAIRMAN. Did you, directly or indirectly, procure or handle or control any money to be used, or that was used, in any way in connection with Senator Stephenson's election?

Mr. SHIELDS. No, sir.

Mr. LITTLEFIELD. Of course, the chairman confines that to the election by the legislature, because he has already testified about the primary.

The CHAIRMAN. The primary is not an election.

Mr. LITTLEFIELD. No.

The CHAIRMAN. I refer to the election by the legislature.

Mr. SHIELDS. That is what I thought you meant, Senator.

The CHAIRMAN. Do you know Mr. Hines?

Mr. SHIELDS. I know him very well; yes, sir.

The CHAIRMAN. Did you have a controversy or difficulty with Mr. Hines over the amount of money that you were to receive for anything done or promised to be done in connection with Senator Stephenson's election?

Mr. SHIELDS. No, sir.

The CHAIRMAN. You say "no?"

Mr. SHIELDS. No, sir.

The CHAIRMAN. It has been stated that you have stated that you had had a difficulty with Mr. Hines in regard to a settlement affecting the distribution of a sum of money—\$15,000, or any sum—and that that money was used in Senator Stephenson's election. Did you have any such difficulty?

Mr. SHIELDS. No, sir.

The CHAIRMAN. Did you have any difficulty in regard to a settlement?

Mr. SHIELDS. No, sir.

The CHAIRMAN. You know Mr. Cook; do you?

Mr. SHIELDS. I know him very well; yes, sir.

The CHAIRMAN. Did you state to him on the train, or anywhere, that you had ever had a difficulty with Mr. Hines in regard to financial matters?

Mr. SHIELDS. Well, do you confine that question to the election of Senator Stephenson?

The CHAIRMAN. The question as to whether you had a difference or difficulty with him may extend into any field. We shall not pursue it unless it attaches itself to the subject under investigation. But the question is, did you have such a difficulty?

Mr. SHIELDS. No, sir; I never had any difficulty with Mr. Hines on any money question.

The CHAIRMAN. Did you send anyone to Mr. Hines for the purpose of or with a view to effecting any settlement in regard to disputed financial matters during the last three or four years?

Mr. SHIELDS. No, sir.

The CHAIRMAN. And you have never had any financial transactions whatever with anyone, directly or indirectly, affecting the election of Senator Stephenson to the United States Senate?

Mr. SHIELDS. Absolutely none.

The CHAIRMAN. Do you know anything about Mr. Hines having had any such financial transactions?

Mr. SHIELDS. I do not know anything about that.

The CHAIRMAN. If he did, you were not connected with them in any way?

Mr. SHIELDS. No, sir.

The CHAIRMAN. Is that it?

Mr. SHIELDS. That is it, sir; yes, sir. I think Mr. Hines was in Washington most of the time that question was up before the legislature.

Senator POMERENE. Mr. Shields, the business of your firm in Duluth is pretty large, is it not?

Mr. SHIELDS. Very; yes, sir.

Senator POMERENE. It occupies your time almost constantly?

Mr. SHIELDS. Well, no; no. It is very large, but it is done by our offices. You see, my part of the business connected with both concerns is the soliciting of the business—the procuring of the business. My partner takes care of it.

Senator POMERENE. And of course the more attention you give to the soliciting, the better your business is?

Mr. SHIELDS. The larger the business; yes, sir.

Senator POMERENE. How long were you down at Madison during the time of the election of a United States Senator?

Mr. SHIELDS. I do not recall just how long.

Senator POMERENE. A week?

Mr. SHIELDS. Maybe; maybe 8 or 10 days.

Senator POMERENE. How did you happen to go down there?

Mr. SHIELDS. I was interested in a bank—in fact, I was the largest stockholder of the bank—and a bill came up there relative to guaranteeing deposits, etc.; and I went down there partially for that. When I got there I met Senator Owen and talked with him.

Senator POMERENE. What senator do you say?

Mr. SHIELDS. Senator Walter Owen. He used to live in our town; and of course I was interested in the senator's ultimate ratification; and I stayed around there and did whatever I could, but I could not do much.

Senator POMERENE. Did some one talk with you about going down in Senator Stephenson's behalf?

Mr. SHIELDS. Early in February Mr. Edmonds asked me to go down there, but I did not go. He wanted to know if I knew any

members of the legislature that were not voting for Senator Stephenson, and said that if I did he would be glad to have me go down there and assist. But inasmuch as our members were voting for him, I did not respond.

Senator POMERENE. Who furnished your expenses?

Mr. SHIELDS. I did.

Senator POMERENE. Did Mr. Hines ask you to go to Madison?

Mr. SHIELDS. No, sir; I did not see Mr. Hines.

Senator POMERENE. Did you have any talk with him on the subject?

Mr. SHIELDS. No, sir.

Senator POMERENE. Did you have any letter from him on the subject?

Mr. SHIELDS. No, sir.

Senator POMERENE. You had no communication whatever?

Mr. SHIELDS. None whatever. He was in Washington, as they tell me.

Senator POMERENE. You had no communication by telegraph or telephone or otherwise?

Mr. SHIELDS. No, sir.

Senator POMERENE. Where were you when the investigation of this election was begun by the joint committee appointed by the Wisconsin Legislature?

Mr. SHIELDS. I do not remember when it began. I was in Madison two or three times or a couple of times while the investigation was in vogue.

Senator POMERENE. About what time were you there?

Mr. SHIELDS. I can not say, Senator.

Senator POMERENE. How long were you there on each of these two or three occasions?

Mr. SHIELDS. Maybe a day or two, a couple of days—something like that.

Senator POMERENE. You were there in connection with the investigation?

Mr. SHIELDS. No; not particularly—probably some other matter of some kind. I think I was down there visiting the trustees of the Vilas estate, whom I represent in my country. They own a large amount of lands, and I think I was down there to see them twice during that time.

Senator POMERENE. You did not go down there in connection with this investigation?

Mr. SHIELDS. No, sir.

Mr. LITTLEFIELD. The trustee of the Vilas estate have their office in Madison?

Mr. SHIELDS. Yes, sir.

Senator POMERENE. Where were you during the latter part of the investigation?

Mr. SHIELDS. I think I was at West Baden, Ind.

Senator POMERENE. You knew that you were wanted as a witness, did you not?

Mr. SHIELDS. I did not. I was there several times, and they could have had me as witness at any time.

Senator POMERENE. At West Baden, Ind.?

Mr. SHIELDS. Yes, sir.

Senator POMERENE. You knew that a subpoena was out for you, did you not?

Mr. SHIELDS. I did not.

Senator POMERENE. Did you keep in touch with this investigation?

Mr. SHIELDS. No, sir. I had no interest in it.

Senator POMERENE. You were in correspondence with your office at Duluth, were you?

Mr. SHIELDS. They knew where I was, but they did not—I did not correspond with them; no. I was taking a vacation, going around.

Senator POMERENE. Your home is in Superior; is it?

Mr. SHIELDS. Yes, sir.

Senator POMERENE. You were in correspondence with your home, I take it?

Mr. SHIELDS. Sometimes; not always.

Senator POMERENE. Have you a family?

Mr. SHIELDS. Yes, sir.

Senator POMERENE. Were you not corresponding with them during the time that you were at West Baden?

Mr. SHIELDS. I think they were with me.

Senator POMERENE. How long were you down there?

Mr. SHIELDS. Something like six weeks or two months, I think.

Senator POMERENE. You know, as a matter of fact, that during a considerable portion of the time of this investigation they were wanting you as a witness?

Mr. SHIELDS. No; I did not know it. They could have had me at any time, Senator.

Senator POMERENE. Did you learn of the fact that you were wanted as a witness?

Mr. SHIELDS. Why, I learned—I knew at some time that they wanted me as a witness, but they did not—

Senator POMERENE. When did you learn it?

Mr. SHIELDS. I do not recollect when it was.

Senator POMERENE. Was it while the investigation was going on?

Mr. SHIELDS. I think not. You see, when the investigation took place I was there two or three times, and nobody was around with the committee.

Senator POMERENE. Oh, yes; but there was a certain time during that investigation when you were wanted as a witness; was there not?

Mr. SHIELDS. Yes; they said they did want me.

Senator POMERENE. When did you first learn that fact?

Mr. SHIELDS. I can not give the date. I do not recall when it was.

Senator POMERENE. Did you learn it before the investigation was concluded?

Mr. SHIELDS. I think not.

Senator POMERENE. Did your friends here in the State know that you were wanted as a witness before that investigating committee?

Mr. SHIELDS. They did if it was announced, I suppose.

Senator POMERENE. They knew where you were, did they?

Mr. SHIELDS. I do not know whether they did or not. I do not know that. I do not know whether my friends knew where I was or not.

Senator POMERENE. Was there anyone here in the State who knew where you were?

Mr. SHIELDS. I can not say as to that.

Senator POMERENE. Is it not your best judgment that it was not known where you were?

Mr. SHIELDS. No, sir; I had no reason to conceal it.

Senator POMERENE. Did anyone in connection with this investigation know of your whereabouts?

Mr. SHIELDS. That I can not say.

Senator POMERENE. When did you receive your subpoena in this case?

Mr. SHIELDS. I can not give the date, but it was before the time to appear here.

Senator POMERENE. It was some time before?

Mr. SHIELDS. I do not recollect the date. I have the subpoena here [producing subpoena]. It was left at my house. I was away.

Senator POMERENE. When did you get it?

Mr. SHIELDS. I can not tell that, either. It was on my return home.

Senator POMERENE. In any event, it was some time before the investigation began?

Mr. SHIELDS. That is right; yes, sir. The subpoena bears date August 29, 1911. I do not recollect when I got it.

Senator POMERENE. You were subpoenaed to appear October 10?

Mr. SHIELDS. Yes, sir.

Senator POMERENE. And you got the subpoena several weeks before that; did you?

Mr. SHIELDS. I can not say. It was left at my house, and I came back. I was gone away from home about four weeks, and when I got back it was there. I want to explain to you that the first intimation that I had that I was wanted in the Lorimer investigation was when the subpoena was mailed to me at West Baden; and I got it on the 4th day of August, and I reported to them that I would appear at the beginning of the investigation in Chicago.

Senator POMERENE. Your attention was called to some conversation with Mr. Wirt Cook?

Mr. SHIELDS. Yes, sir.

Senator POMERENE. You know him; do you?

Mr. SHIELDS. I know him very well; yes, sir.

Senator POMERENE. You have known him for a number of years?

Mr. SHIELDS. For several years; yes.

Senator POMERENE. Did you have a talk with him while aboard a train between Duluth and Chicago some time in the fall of 1909?

Mr. SHIELDS. I do not recall. I do not remember it.

Senator POMERENE. Do you remember any talk with him on board a train, on the subject of some work that was done at Madison?

Mr. SHIELDS. No, sir. I meet him on the train frequently.

Senator POMERENE. Did he ever talk with you on the subject of the amount of money which you were to get out of that job?

Mr. SHIELDS. No, sir.

Senator POMERENE. Did you ever have any talk with him on the subject?

Mr. SHIELDS. Not that I recall; no, sir. I do not think I did.

Senator POMERENE. Did you ever have a talk with him in which something was said about your having an arrangement whereby you were to get \$15,000 out of this Madison affair—referring to the Stephenson election?

Mr. SHIELDS. I never had any such conversation with him, and never mentioned any such thing.

Senator POMERENE. In which talk he joked you about settling for \$7,500?

Mr. SHIELDS. No, sir. No such thing as that ever occurred.

Senator POMERENE. You never had any such talk?

Mr. SHIELDS. No, sir.

Senator POMERENE. Either in a serious way or in a jocular way?

Mr. SHIELDS. No, sir.

Senator POMERENE. Did you talk with him on board this train between the cities of Duluth and Chicago on the subject of some arrangement you had and some difficulty you had with Mr. Hines?

Mr. SHIELDS. No, sir.

Senator POMERENE. You never mentioned that subject?

Mr. SHIELDS. I do not think the subject ever was discussed.

Senator POMERENE. Did you not say to him, during a conversation in which he referred to your difficulty with Mr. Hines, that you had settled that matter?

Mr. SHIELDS. No, sir.

Senator POMERENE. He is mistaken, then, if he says that there was such a conversation?

Mr. SHIELDS. No such conversation as that occurred.

Senator POMERENE. You and Cook are on reasonably good terms, are you?

Mr. SHIELDS. Why, I do not know about that.

Senator POMERENE. Is there any special reason why he should make a statement of that kind if it were not true?

Mr. SHIELDS. I can not say as to that.

Senator POMERENE. Do you know of any?

Mr. SHIELDS. Not that I know of.

Senator POMERENE. Some time in the spring of this year do you remember meeting Cook in the city of Duluth when he was on his way to his office?

Mr. SHIELDS. I meet Cook frequently.

Senator POMERENE. Do you remember you and he meeting, and he inviting you to the office?

Mr. SHIELDS. No, sir.

Senator POMERENE. That circumstance never occurred?

Mr. SHIELDS. I do not think he ever invited me to his office. I have been in his office, but not upon his invitation.

Senator POMERENE. During this last spring do you remember his inviting you to the office?

Mr. SHIELDS. No, sir. I do not think I was home last spring, much.

Senator POMERENE. Or early in the summer?

Mr. LITTLEFIELD. About the 1st of June is the way one witness undertook to locate it.

Senator POMERENE. Was it in the spring or early summer?

Mr. SHIELDS. Well, I do not think—no; he never invited me that I remember. I do not recall any such thing. In fact, I do not think he ever invited me to his office.

Senator POMERENE. Did you meet him in Chicago some time in the spring or summer of this year?

Mr. SHIELDS. I do not know. I meet Cook frequently.

Senator POMERENE. Did you meet him at the Grand Pacific Hotel?

Mr. SHIELDS. No, sir.

Senator POMERENE. Did you have any talk with him at that hotel, or at any other hotel in Chicago, in the spring or early summer of this year?

Mr. SHIELDS. No, sir. Oh, I may have met Cook somewhere—I don't know that—because I meet him frequently. I meet him in Chicago, and meet him——

Senator POMERENE. Did you say anything on the subject of his making you some trouble?

Mr. SHIELDS. No. He can't make me any trouble.

Senator POMERENE. Did you, in effect, say that if he made you any trouble you would kill him, or something of that kind?

Mr. SHIELDS. No, sir; nothing of that kind.

Senator POMERENE. No such talk?

Mr. SHIELDS. No, sir.

Senator POMERENE. Was there any conference or talk between you in which any ill-tempered words were uttered, either by you or him, during the period I have indicated, at a hotel in Chicago?

Mr. SHIELDS. No, sir. Mr. Cook and I never had any words.

Senator POMERENE. Do you know of any reason why he should make a statement of that kind if it did not occur?

Mr. SHIELDS. I do not know. He should not hurt me; I do not know what he might do to Mr. Hines.

Senator POMERENE. What is that?

Mr. SHIELDS. I do not know why he should make a statement of that kind relative to me.

Senator POMERENE. What was that other answer? Read it, Mr. Reporter.

(The reporter read as follows:)

Mr. SHIELDS. I do not know. He should not hurt me. I do not know what he might do to Mr. Hines.

Senator POMERENE. What do you mean by making that statement?

Mr. SHIELDS. I mean that he and Mr. Hines have had a great deal of trouble.

Senator POMERENE. Did you say anything to him during the spring or summer, at one of the hotels at Chicago, about any trouble that he might have had with Mr. Hines.

Mr. SHIELDS. No, sir.

Senator POMERENE. That was not mentioned between you?

Mr. SHIELDS. No, sir.

Senator POMERENE. Do you know Daniel Haley?

Mr. SHIELDS. I know him very well; yes, sir.

Senator POMERENE. He is an associate of Mr. Cook in the lumber business; is he?

Mr. SHIELDS. I did not know that. He worked for Cook.

Senator POMERENE. You know a lumberman by the name of Dan Haley who lives in Duluth; do you?

Mr. SHIELDS. Yes; I know him very well.

Senator POMERENE. Did you ever have any talk with him on the subject of the Stephenson investigation?

Mr. SHIELDS. No, sir.

Senator POMERENE. No talk at all?

Mr. SHIELDS. No, sir.

Senator POMERENE. Did Mr. Haley come to you at any time during the last spring or summer and say to you that Mr. Cook wanted to see you and have a talk with you?

Mr. SHIELDS. No, sir.

Senator POMERENE. Did you ever get any message of that kind from Mr. Cook?

Mr. SHIELDS. No, sir.

Senator POMERENE. None at all?

Mr. SHIELDS. No, sir; none at all.

Senator POMERENE. Do you mean to say to the committee that you have had no knowledge that Mr. Cook at any time wanted to have an interview with you on this subject?

Mr. SHIELDS. That is exactly what I mean to say; that Mr. Cook has never mentioned to me anything in this matter, nor have I to him. I was with him on the train two weeks ago Sunday night, coming from Duluth to Chicago, and he never said a word. Never was such a thing mentioned.

Senator POMERENE. Did you ever have any talk with Mr. Hines on the subject of the election of Senator Stephenson?

Mr. SHIELDS. Oh, I may have talked with Mr. Hines after Senator Stephenson was elected.

Senator POMERENE. And as to how it was brought about?

Mr. SHIELDS. No, sir.

Senator POMERENE. There was nothing said on that subject?

Mr. SHIELDS. No, sir.

Senator POMERENE. Was there anything said between you and Mr. Hines as to the matter of the expense?

Mr. SHIELDS. No, sir.

Senator POMERENE. The expense to which Mr. Hines had been put in Senator Stephenson's election?

Mr. SHIELDS. No, sir.

Senator POMERENE. Hines claimed, did he not, that he was responsible for the Senator's election?

Mr. SHIELDS. He never so signified to me.

Senator POMERENE. You never had any talk with him on that subject?

Mr. SHIELDS. No, sir. I do not meet Mr. Hines——

Senator POMERENE. Are you connected with Mr. Hines in a business way?

Mr. SHIELDS. Well, I do not know what you mean by that. I am a stockholder in some of the companies in which he is interested.

Senator POMERENE. In what companies?

Mr. SHIELDS. The Virginia & Rainy Lake Co.

Senator POMERENE. Are you interested to a substantial amount?

Mr. SHIELDS. Yes, sir.

Senator POMERENE. Are you a director of the company?

Mr. SHIELDS. No, sir.

Senator POMERENE. Are you an official of the company?

Mr. SHIELDS. No, sir; simply a stockholder.

Senator POMERENE. Are you an employee of the company?

Mr. SHIELDS. No, sir.

Senator POMERENE. Does your insurance or real estate firm have any relations with the Virginia & Rainy Lake Co.?

Mr. SHIELDS. We handle all of the insurance of the company.

Senator POMERENE. That is a pretty substantial amount; is it?

Mr. SHIELDS. Very large; yes, sir.

Senator POMERENE. Approximately what does it amount to, annually?

Mr. SHIELDS. What do you mean by that, Senator? Do you mean the amount of profit we get out of it?

Senator POMERENE. State it in any way that you see fit.

Mr. SHIELDS. I should think we make \$10,000 a year out of that company.

Senator POMERENE. That is, as net profits?

Mr. SHIELDS. Yes, sir.

Mr. LITTLEFIELD. That amount is your commission?

Mr. SHIELDS. That is our commission; yes.

Senator POMERENE. Are you associated with Mr. Hines in any other company?

Mr. SHIELDS. I do not know. I am a stockholder—no; I can not say that he is a stockholder in the company. No; that is the only company I know of.

Senator POMERENE. These commissions are your commissions arising out of the insurance?

Mr. SHIELDS. Yes; the earnings of the insurance.

Mr. LITTLEFIELD. The regular insurance agent's commissions?

Mr. SHIELDS. That is all. That goes through our office. I do not know anything about it except what the aggregate amount might be.

Mr. LITTLEFIELD. It does not cost the company any more than if it had gone through some other office?

Mr. SHIELDS. Oh, no!

Mr. LITTLEFIELD. You get the regular, fixed, agent's commission?

Mr. SHIELDS. Yes, sir.

The CHAIRMAN. The witness is with you.

Mr. LITTLEFIELD. How long have you been a stockholder in the Virginia & Rainy Lake Co.?

Mr. SHIELDS. Something over a year, I think.

Mr. LITTLEFIELD. That is all.

Mr. SHIELDS. Is there any thing further?

The CHAIRMAN. You will remain in attendance until you are regularly dismissed.

Mr. SHIELDS. All right, sir. Will you want me again to-day or to-morrow?

The CHAIRMAN. I would suggest that you remain in attendance.

I will call P. F. Leuch.

(There was no response.)

The CHAIRMAN. Just note that Mr. Leuch does not answer.

TESTIMONY OF D. H. DAVIES.

D. H. DAVIES, having been previously sworn, testified as follows:

The CHAIRMAN. Mr. Davies, where do you reside?

Mr. DAVIES. Milwaukee.

The CHAIRMAN. What is your business?

Mr. DAVIES. I am State treasury agent.

The CHAIRMAN. How long have you been State treasury agent?

Mr. DAVIES. About two years and two months.

The CHAIRMAN. You resided in Milwaukee at the time of the election of Senator Stephenson to the United States Senate?

Mr. DAVIES. I did.

The CHAIRMAN. You received money from Senator Stephenson, or those supporting him, to be used in that campaign, did you?

Mr. DAVIES. I was employed, for which I received \$5 a day and my expenses.

The CHAIRMAN. For what purpose were you employed?

Mr. DAVIES. To keep tab on the members of assembly.

The CHAIRMAN. You were employed to keep tab on the members of assembly?

Mr. DAVIES. That is, if there were any absentees.

The CHAIRMAN. When did your employment commence?

Mr. DAVIES. I do not remember the date exactly, but I think it was about the 1st of February. I am not sure as to that.

The CHAIRMAN. You went to Madison, did you?

Mr. DAVIES. Yes.

The CHAIRMAN. And you remained there until after the election on the 4th of March?

Mr. DAVIES. Yes, sir.

Mr. LITTLEFIELD. That is, to keep tab on the members of the assembly?

Mr. DAVIES. Yes, sir.

The CHAIRMAN. Were you in and about the halls of the legislature during all of the time?

Mr. DAVIES. Not all of the time; no, sir.

The CHAIRMAN. During all of the time that they were in session?

Mr. DAVIES. No; not all of the time; some of the time.

The CHAIRMAN. It has been stated that you told Mr. Leuch that you had authority to tell him (Leuch) that he could have anything that he wanted, under certain conditions and circumstances. What have you to say as to that?

Mr. DAVIES. Mr. Leuch must have been mistaken, because I do not remember ever making such a statement to him.

The CHAIRMAN. I will read to you from page 575 of the Senate Journal. Mr. Leuch, in referring to a conversation had with him on March 1, 1909, you then being engaged in working for Senator Stephenson's election at Madison, says:

"Mr. Davies stopped me while I was going down to the senate judiciary room, and said he wanted to talk to me a minute, and I said 'All right'; and he told me in these words—I will quote them just as near as I can: 'Now,' he says, 'Leuch, I have authority to tell you that you can have anything that you want if you will stay in the joint convention to-day and vote.' He says, 'What will you have?' He says, 'You needn't vote for Stephenson if you don't want to, but stay in and help us to build a quorum.' I told him I wouldn't vote for Senator Stephenson until I found out what the investigation would come to, and that I didn't want anything. That is as far as we talked about the matter, and I left him there and went to the senate judiciary room."

Did such an occurrence take place?

Mr. DAVIES. No, sir.

The CHAIRMAN. Did you speak to Mr. Leuch on that occasion on the 1st of March?

Mr. DAVIES. I do not remember whether—I had several conversations with Mr. Leuch, because I knew him very well; but I never had this conversation, or any such conversation.

The CHAIRMAN. Did you have any conversation in substance such as the conversation stated?

Mr. DAVIES. Not that I remember, excepting that at different times we had talks about the election of Senator Stephenson; and if I remember correctly, one time he said he was tired, and he spoke something about his constituents—in effect that he would change if it were not for what his constituents would think.

The CHAIRMAN. Were you authorized or in a position to pay to or promise Mr. Leuch anything for anything that he did or refrained from doing?

Mr. DAVIES. No, sir.

The CHAIRMAN. Did any conversation occur between you and Mr. Leuch with reference to his remaining in the session or leaving the session?

Mr. DAVIES. No, sir.

The CHAIRMAN. Then you say this statement is not true?

Mr. DAVIES. It is absolutely not true.

The CHAIRMAN. It is the sworn statement of this witness Leuch. He was rigidly cross-examined, and he insisted on that statement being true.

Mr. DAVIES. I am positive that I did not make him such an offer.

The CHAIRMAN. Did you spend any money or pay any money to any member of the legislature for any purpose in connection with that senatorial contest?

Mr. DAVIES. No, sir.

The CHAIRMAN. Either directly or indirectly?

Mr. DAVIES. No, sir.

The CHAIRMAN. Did you have any money in your hands, or subject to your control, to be used in connection with that senatorial election?

Mr. DAVIES. Not one penny.

The CHAIRMAN. How much did you receive for remaining at Madison?

Mr. DAVIES. I think the total was about \$300—a little more, I think.

Mr. LITTLEFIELD. That is, for your services and expenses?

Mr. DAVIES. Yes, sir.

The CHAIRMAN. You are charged with \$320. Did you do any work for Senator Stephenson prior to the primary election?

Mr. DAVIES. I did a little—not to amount to anything. I live in the eighteenth ward of this city.

The CHAIRMAN. From whom did you receive the money that you did get?

Mr. DAVIES. I received some from Mr. Edmonds; and I received a check, the amount of which I forget, from Mr. Overbeck.

The CHAIRMAN. Did you receive money from Mr. Edmonds to be used in Milwaukee?

Mr. DAVIES. No, sir.

The CHAIRMAN. Did you receive any money from Mr. Edmonds after the primary election?

Mr. DAVIES. I received a small amount from him in Madison.

The CHAIRMAN. For what was that received?

Mr. DAVIES. That was for my services in Madison.

The CHAIRMAN. Then Mr. Edmonds paid you for your services?

Mr. DAVIES. I said before that Mr. Edmonds—I forget what he did pay me; I think it was \$40 or \$50. Then I received a check from Mr. Overbeck.

The CHAIRMAN. When did you receive that?

Mr. DAVIES. I can not say now.

The CHAIRMAN. Where were you when you received it?

Mr. DAVIES. In Madison.

The CHAIRMAN. It was during the time that you were staying in Madison?

Mr. DAVIES. Yes, sir.

The CHAIRMAN. For what was that check received?

Mr. DAVIES. That was for my services, as I have already stated, in keeping track of the absentees in the assembly. That is, I was to report if there were any absentees.

The CHAIRMAN. Who asked you to go to Madison?

Mr. DAVIES. Mr. Edmonds. I met Mr. Edmonds in Madison. I was there at the time.

The CHAIRMAN. The witness is with counsel.

Mr. LITTLEFIELD. I understand you hold the office of State treasury agent, Mr. Davies?

Mr. DAVIES. I do.

Mr. LITTLEFIELD. How long have you held it?

Mr. DAVIES. Two years and two months.

Mr. LITTLEFIELD. Is it appointive or elective?

Mr. DAVIES. Appointive.

Mr. LITTLEFIELD. What was the date of your appointment?

Mr. DAVIES. August 16, 1909.

Mr. LITTLEFIELD. By whom were you appointed?

Mr. DAVIES. Gov. Davidson.

Mr. LITTLEFIELD. What is the length of the term?

Mr. DAVIES. Two years.

Mr. LITTLEFIELD. And you have held it two years and how many months?

Mr. DAVIES. It will be two months over the two years the 16th of this month.

Mr. LITTLEFIELD. Have you been reappointed?

Mr. DAVIES. No, sir.

Mr. LITTLEFIELD. You are holding over, are you?

Mr. DAVIES. I am holding over.

Mr. LITTLEFIELD. And the office now is subject to an appointment by the governor?

Mr. DAVIES. Yes, sir.

Mr. LITTLEFIELD. I wish you would state briefly what the duties of that office are.

Mr. DAVIES. To supervise the collection of licenses from itinerant merchants, traveling shows, such as circuses, side shows, and all peddlers.

Mr. LITTLEFIELD. You say you did a little work in the eighteenth ward in Milwaukee?

Mr. DAVIES. Yes, sir.

Mr. LITTLEFIELD. Under Mr. Knell?

Mr. DAVIES. Why, not particularly. I was deputy sheriff at the time, and I was chairman of the ward club, and also a member of the county committee.

Mr. LITTLEFIELD. Did you expend any money in the campaign, or was it confined simply to work?

Mr. DAVIES. I did—it was very little that I did.

Mr. LITTLEFIELD. Was there any money expended in that campaign, so far as you know, Mr. Davies, either directly or indirectly, for the purpose of bribing or corruptly or unlawfully influencing any electors in the primary election in the interest of Senator Stephenson?

Mr. DAVIES. I do not know of any. I did not know of any.

Mr. LITTLEFIELD. That is all.

(The names of Peter F. Leuch, J. F. Farrell, and Silas R. Towne were called.)

Mr. Towne responded.

The CHAIRMAN. Mr. Elmer E. Haight will be excused.

TESTIMONY OF SILAS R. TOWNE.

SILAS R. TOWNE, having been previously sworn, testified as follows:

The CHAIRMAN. Where do you reside?

Mr. TOWNE. Lavalley, Sauk County.

The CHAIRMAN. Were you a member of the legislature in 1908 and 1909?

Mr. TOWNE. I was.

The CHAIRMAN. When did your term of office begin?

Mr. TOWNE. The session met in January of 1909.

The CHAIRMAN. You were a member of the legislature that elected Senator Stephenson to the United States Senate?

Mr. TOWNE. I was.

The CHAIRMAN. Were you present when the vote was taken upon which he was elected?

Mr. TOWNE. Not on the 4th of March.

The CHAIRMAN. You were not present?

Mr. TOWNE. No.

The CHAIRMAN. Where were you?

Mr. TOWNE. I was somewhere around the corridors—in the building somewhere. I do not know just where I was.

The CHAIRMAN. Had you answered a roll call that day, in the joint meeting of the two houses?

Mr. TOWNE. There is no roll call except the call on the vote.

The CHAIRMAN. Is that the custom there?

Mr. TOWNE. There is no roll call except the call on the vote.

The CHAIRMAN. How do they know when both houses are present?

Mr. TOWNE. The sergeant at arms announces the fact that the lieutenant governor and the senate are present, and the lieutenant

governor calls the joint convention to order, and after having announced what they are present for, instructs the clerk to call the roll.

The CHAIRMAN. They call the roll for the ballots without having called the roll to ascertain the presence of the members?

Mr. TOWNE. Yes. There is only one roll call.

The CHAIRMAN. Have you been in the legislature more than once?

Mr. TOWNE. Only once.

The CHAIRMAN. You were on the floor when the senate came into the room where the joint meeting was, were you not?

Mr. TOWNE. No, sir.

The CHAIRMAN. Had you been on the floor that morning?

Mr. TOWNE. In the assembly; yes.

The CHAIRMAN. When did the assembly meet? At what hour?

Mr. TOWNE. I do not remember. They sometimes meet at 9 o'clock and sometimes at 10 o'clock. I can not remember on that particular day at what hour they did meet.

The CHAIRMAN. Did you know, then, a vote was going to be taken on the election of United States Senator that day?

Mr. TOWNE. Yes.

The CHAIRMAN. It was generally understood, was it?

Mr. TOWNE. Yes, sir.

The CHAIRMAN. They realized that the time had come when they would vote to elect a Senator, did they not?

Mr. TOWNE. I do not just understand that question.

The CHAIRMAN. Did you understand that they were going to elect a Senator that day?

Mr. TOWNE. No, sir.

The CHAIRMAN. You thought they were going to take a futile vote, did you?

Mr. TOWNE. I merely knew they were going to vote. The result was something that I did not know, and did not have any opinion upon.

The CHAIRMAN. Whom were you supporting?

Mr. TOWNE. Sometimes I voted for one man and sometimes for another. I voted for a Democrat in all cases.

The CHAIRMAN. With whom did you leave the hall in which the joint meeting was taking place?

Mr. TOWNE. With nobody.

The CHAIRMAN. No one was with you when you went out?

Mr. TOWNE. Nobody was with me.

The CHAIRMAN. At what hour did you leave there?

Mr. TOWNE. I do not know the exact time. It was some time between 11 and 12 o'clock. The exact time I do not know.

The CHAIRMAN. Was it nearer 12 than 11?

Mr. TOWNE. Oh, I could not say about that. It was, probably.

The CHAIRMAN. Why can you not say?

Mr. TOWNE. There was nothing to impress upon my mind the exact time.

The CHAIRMAN. You were charged, before the end of that session, with having absented yourself wrongfully, were you not?

Mr. TOWNE. Yes.

The CHAIRMAN. Openly?

Mr. TOWNE. Yes.

The CHAIRMAN. You had a conversation about it right then and there, did you not?

Mr. TOWNE. I had a conversation with whom? About what?

The CHAIRMAN. I say you had a conversation about your absence, and your explaining it, right after or within a few minutes after the vote was taken?

Mr. TOWNE. No, sir.

The CHAIRMAN. When did you first have a conversation about it?

Mr. TOWNE. I could not say exactly when it was I had the first conversation. I remember the day afterwards having some reporter, I guess two reporters, attempt to interview me; the next day.

The CHAIRMAN. Do you think it was as early as half past 11 when you left the room?

Mr. TOWNE. I should imagine it was about that time. I could not say exactly.

The CHAIRMAN. You testified, on page 4023, before the joint committee, that it was about 11.55. Which is correct?

Mr. TOWNE. It could not have been that late.

The CHAIRMAN. Which is correct; your testimony then or now?

Mr. TOWNE. Well, it has been so long that I could not say; but it does not seem to me it was that late.

The CHAIRMAN. It was not so very long after the occurrence when you testified before this joint committee, was it?

Mr. TOWNE. Not so very long. Probably a couple of months.

The CHAIRMAN. A couple of months?

Mr. TOWNE. Probably. It was in April.

The CHAIRMAN. The election was the 4th of March?

Mr. TOWNE. That would be one month then. Somewhere around a month or two.

The CHAIRMAN. We shall see when you testified.

Mr. LITTLEFIELD. You will find it at page 3977, I think, Mr. Chairman.

The CHAIRMAN. I have that, but I was not sure there was not a day in between.

Mr. LITTLEFIELD. That may be.

The CHAIRMAN. April 7. A month and three days afterwards.

Do you think your recollection was better then than it is now, or do you think it is better now than it was then?

Mr. TOWNE. I could not say. There was nothing in the occurrence that would enable me to charge my memory with the exact time further than knowing what was transpiring in the assembly just previous to my having left. That is all I have any recollection of time upon.

The CHAIRMAN. When you left the hall, did you leave word with anyone that you should be notified of the happening of any particular event?

Mr. TOWNE. No.

The CHAIRMAN. Did anyone call you out?

Mr. TOWNE. Yes.

The CHAIRMAN. Who?

Mr. TOWNE. I do not know. A page entered, some time after 11 o'clock, and stated to me that there was some one from Baraboo in the parlor who wished to speak to me. I told the page I could not go until after certain business that was pending in the legislature was

settled. I think it was joint resolution 52a that was up for consideration. And after that had been disposed of, I went out to the parlor.

The CHAIRMAN. You mean until after certain business in the joint session was disposed of?

Mr. TOWNE. No; in the assembly.

The CHAIRMAN. If that was 5 minutes before 12 o'clock, was there any matter pending in the assembly 5 minutes before 12 o'clock?

Mr. TOWNE. I do not think I stated that. I say that some time after 11 o'clock this page came in. At the time the page came in, certain business was pending, and I told the page I could not leave until this business was settled; until the vote was taken on his business.

The CHAIRMAN. You testified, within 32 days after the occurrence, that you went out at 11.55.

Mr. LITTLEFIELD. If the chairman will excuse me——

The CHAIRMAN. I do not want an argument while the witness is testifying.

Mr. LITTLEFIELD. I will read his testimony to you later, then.

Mr. TOWNE. But I say that I did not go out at the time the page called on me.

The CHAIRMAN. You did not? How soon after that did you go out?

Mr. TOWNE. When this joint resolution—52a, I think was the number—had been settled. When the vote had been taken on that.

The CHAIRMAN. At what hour was that taken?

Mr. TOWNE. Some time between 11 and 12 o'clock.

The CHAIRMAN. Was that the last vote taken before the joint meeting of the two houses?

Mr. TOWNE. I do not know. I think not; but I am not sure.

The CHAIRMAN. Who was the man that wanted to see you outside?

Mr. TOWNE. I do not know.

The CHAIRMAN. Did you go out to see him?

Mr. TOWNE. I went out, and there was no one there from Baraboo, so far as I discovered.

The CHAIRMAN. I call your attention to some testimony you are reported to have given before the joint committee. I refer to page 4023. I will read your testimony in regard to the time you went out:

Q. When did you leave the room on March 4?—A. Well, I don't remember exactly when it was; something like about 11.55, I think.

Q. Did you leave the room at anyone's request?—A. Yes, sir.

Q. At whose request?—A. I don't know. When the question of these committees was—I think that was the thing that was pending—there was some resolution or bill pending wherein there was a great deal of discussion, and the thing was drawn out, and I don't know exactly what time it was, presumably about 11 o'clock, or maybe previous to that hour—

That is the discussion on the bill, I presume—

one of the pages came to me and said there was a gentleman from Sauk County outside that wanted to see me; and I presume it was a person who had a certain business transaction. I told the page to notify the person—I didn't think to ask who it was—that I would not be out until the voting was ended upon this question; and at the time that this was ended, whatever hour that may have been, I went out and looked for any gentleman from Sauk, and didn't see any. I didn't know who sent for me.

That is your testimony in regard to that matter. I want to probe your memory, now.

I continue to read:

Q. Did you remain out then until after the election?—A. Yes, sir.

Q. At anyone's request?—A. No, sir.

Q. Who were you talking with at the time the election took place?

What do you say now about that?

Mr. TOWNE. I presume I was talking with a man by the name of Wayland at that time. I talked with him some time after I went out. It is possible the election was taking place at that time.

The CHAIRMAN. You say it is probable?

Mr. TOWNE. It is possible.

The CHAIRMAN (reading):

Where were you talking with him?

Mr. TOWNE. I do not remember where I first met him. Somewhere in the corridors of the capitol I talked with him.

I talked with him in the cloak room adjacent to the assembly chamber, and possibly in other places. I do not just remember where I may have talked with him.

The CHAIRMAN. What did you talk to him about?

Mr. TOWNE. I did not do much of any talking. He did the most of the talking. The principal conversation was relative to the election of a Senator.

The CHAIRMAN. What did he say to you about that?

Mr. TOWNE. I do not remember the exact discussion, but he was urging that the election of Senator Stephenson would be a benefit, and ought to be brought about, and I made an occasional comment.

The CHAIRMAN. Were you urged to come back into the assembly chamber at the time that you were outside?

Mr. TOWNE. No.

The CHAIRMAN. Are you sure of that?

Mr. TOWNE. I have not the slightest recollection of any such occurrence.

The CHAIRMAN. Did anyone pay you any money or give you any compensation for being absent from the joint session, and thereby not voting when Senator Stephenson was elected?

Mr. TOWNE. No, sir.

The CHAIRMAN. Did anyone promise you anything of value, or any favor, as a consideration for your being absent on that occasion?

Mr. TOWNE. No, sir.

The CHAIRMAN. Did you ever receive anything at any time in recognition of the fact that you were absent, or as a consideration for your absence?

Mr. TOWNE. No, sir.

The CHAIRMAN. Did anyone offer you anything to absent yourself on that occasion?

Mr. TOWNE. No, sir.

The CHAIRMAN. It was purely accidental on your part, was it?

Mr. TOWNE. Accidental; and possibly partly due to indifference.

The CHAIRMAN. You did not expect any final action to be taken on that day?

Mr. TOWNE. No, sir.

The CHAIRMAN. You had been discussing the question as to whether or not it might be taken on that day, had you not?

Mr. TOWNE. I may have been.

The CHAIRMAN. That morning.

Mr. TOWNE. I might have been.

The CHAIRMAN. But were you?

Mr. TOWNE. I could not say whether or not I was; but I may have been.

The CHAIRMAN. I find this in the record, which partly refers to this matter, at page 4025 of the proceedings of the joint committee:

Q. At the time you were out on the day that Mr. Stephenson was elected, did anyone ask you to come in and vote?—A. I don't think they did, on that particular day. They did on the day previous—I mean on that same day, on the 4th of March, I was at my seat writing, previous to the opening of the legislature, and Mr. Ingram came to me and put the question up to me something like this: "What are you going to do to-day?" He says, "We are in doubt what we will have to do to-day in order to prevent the election of Stephenson. We may have to walk out to break a quorum. We may have to stay in to prevent the election. We haven't yet decided; we will let you know in due course of time; and we would like to have you go with us, which ever way we decide to go." That is what he said to me.

The CHAIRMAN. Is that true?

Mr. TOWNE. Yes; I remember that conversation.

The CHAIRMAN. Then the question was being discussed as to whether you would walk out or stay in on that day, was it?

Mr. TOWNE. Oh, yes.

The CHAIRMAN. When did you first learn that Senator Stephenson had been elected that day?

Mr. TOWNE. I do not remember; some time during the afternoon of that day. I think it was probably 1 or 2 o'clock.

The CHAIRMAN. Are we to believe that your interest was so slight in the question that you did not learn until hours afterwards that an election had taken place, and that Senator Stephenson had been elected?

Mr. TOWNE. It was probably an hour or two. I do not know just the exact time.

The CHAIRMAN. Where were you during that hour or two?

Mr. TOWNE. I do not remember where I may have been.

The CHAIRMAN. I am not asking you where you may have been. I want to know where you were.

Mr. TOWNE. I was in the capitol part of the time, and at a lunch room part of the time. I think at the time I heard about it I was taking lunch.

The CHAIRMAN. Where?

Mr. TOWNE. I do not know the name of the place.

The CHAIRMAN. Outside of the capitol?

Mr. TOWNE. Oh, yes; outside of the capitol.

The CHAIRMAN. Did the senate leave in a body when it left the joint session?

Mr. TOWNE. On the 4th of March?

The CHAIRMAN. Yes.

Mr. TOWNE. I do not know.

The CHAIRMAN. Did you see them leave?

Mr. TOWNE. I do not remember having seen them leave.

The CHAIRMAN. That condition of affairs did not make much impression on your mind, did it?

Mr. TOWNE. No, sir.

The CHAIRMAN. Who is Mr. Keller?

Mr. TOWNE. At one time he was clerk of the circuit court of Sauk County.

The CHAIRMAN. Did he urge you to leave the joint convention?

Mr. TOWNE. I think he had a conversation with me at some time or other with respect to voting for Senator Stephenson, or absenting myself, or something. I do not know. He talked in the interest of Senator Stephenson. That is all I remember at the present time.

The CHAIRMAN. Did you make any pledge before the election as to whom you would vote for on the senatorial question?

Mr. TOWNE. If I did, I pledged myself to vote for the Democratic nominee. I think, in a public statement I made I pledged myself to support the Democratic platform and, I presume, incidentally, the Democratic nominee.

The CHAIRMAN. When did you first hear insinuations about your having absented yourself improperly and for a consideration?

Mr. TOWNE. The next day after the Senator was elected.

The CHAIRMAN. Where were you that evening?

Mr. TOWNE. Baraboo.

Mr. LITTLEFIELD. Is that your home?

Mr. TOWNE. No, sir.

The CHAIRMAN. Did you go to Baraboo the evening of the 4th of March?

Mr. TOWNE. Yes, sir.

The CHAIRMAN. When did the legislature adjourn sine die?

Mr. TOWNE. The legislature adjourned for the day, I suppose, immediately after the vote on the Senatorship.

The CHAIRMAN. At what hour did they adjourn?

Mr. TOWNE. I presume that would be something like 12.30 or 1 o'clock.

The CHAIRMAN. At 12.30 or 1 o'clock the legislature adjourned. Why did you go back, then, after an hour or two, into the hall? I understood you to say that you returned to the legislative hall an hour or two after the election of the Senator?

Mr. TOWNE. I do not think I stated that.

The CHAIRMAN. Did you?

Mr. TOWNE. Not that I remember of.

The CHAIRMAN. Did you not go back at all that afternoon?

Mr. TOWNE. I may have gone, or may not have gone. I can not recollect.

The CHAIRMAN. Why do you say continually "I can not recollect"? Do you mean to say you are making no effort to remember things with which you were officially and responsibly connected?

Mr. TOWNE. There is no reason why I should not remember. I mean, there is no reason why I am not willing to remember; but trifling incidents are very hard to remember definitely after a long period of time.

The CHAIRMAN. You think that was a trifling incident, do you—the election of a United States Senator—when you were charged with the responsibility for performing that duty? You regard that as a trifling incident, do you?

Mr. TOWNE. Not necessarily the election; but under the circumstances there was nothing very serious, to my mind, about it.

The CHAIRMAN. Did the fact that you were openly charged with fraud in connection with it strike you as being serious?

Mr. TOWNE. From that point of view it might seem serious.

The CHAIRMAN. Did it seem serious to you?

Mr. TOWNE. Why, in what way do you mean?

The CHAIRMAN. You are speaking of these things as having passed out of your memory because of their trifling character. I want to know if you regarded that as a little and trifling thing, that you should be charged with fraudulently absenting yourself for the purpose of electing a United States Senator and receiving a consideration for doing so. Do you regard that as a trifling incident?

Mr. TOWNE. No, sir.

The CHAIRMAN. Would you not be pretty apt to put your memory to work to remember every detail in regard to such a thing, if you were charged in that way?

Mr. TOWNE. I do not know. It would be rather impossible for one to remember every act and to tell definitely where he may have been or may not have been every moment of the day.

The CHAIRMAN. Did you not make any memoranda at all, in order that you might be prepared to meet these charges?

Mr. TOWNE. No, sir.

The CHAIRMAN. Those charges were made within 24 hours, when everything was fresh in your memory, were they not, and they came to your notice?

Mr. TOWNE. The insinuations were made within 24 hours.

The CHAIRMAN. The charges were made, were they not, in the papers and on the floor of the legislature?

Mr. TOWNE. There were charges and insinuations in the papers, and also insinuations by persons.

The CHAIRMAN. There were insinuations on the floor, made responsibly by members of the legislature?

Mr. TOWNE. I do not remember of any charge having been made on the floor of the legislature.

The CHAIRMAN. You do not?

Mr. TOWNE. I do not remember any.

The CHAIRMAN. You did not think it incumbent upon you, in view of the fact that you were charged with so grave an offense as this—and there is none graver; could be none graver—to perpetuate the facts by writing them down? That did not occur to you?

Mr. TOWNE. Knowing myself perfectly innocent of any of these charges, and believing that they were made principally for political purposes, I did not think of it.

The CHAIRMAN. You did not suppose you were going to try yourself on these charges, and that it depended upon your estimate of them, did you?

Mr. TOWNE. No.

The CHAIRMAN. You knew that you would sometime be called to the bar to answer these charges, did you not?

Mr. TOWNE. No; I did not know it.

The CHAIRMAN. Did you suppose that any State, or the people of any State, would allow a man to go without examination as to a charge of that kind?

Mr. TOWNE. I did not know that the charge came from sources that were of sufficient importance to be recognized. I did not know anything about what the outcome might be.

The CHAIRMAN. You knew within thirty-odd days, when this hearing was on, did you not—when men under oath were charging you with this? You knew it then?

Mr. TOWNE. Yes.

The CHAIRMAN. Had your memory become such a blank in that 33 or 34 days that you could not then take some steps to perpetuate in a record the actual facts as they occurred?

Mr. TOWNE. All the attempts that I made were just the ordinary memory.

The CHAIRMAN. Do you not think it is rather unbecoming for a man who is selected as a statesman among the citizenship of the State of Wisconsin to sit here and simply say, in a careless way, "I don't remember," when he is charged with having violated his oath of office and perverted the integrity of legislative action? Do you not think it is rather a flippant thing to do?

Mr. TOWNE. Why, if a man can remember, he should answer. If he can not, I fail to see how it would be possible to answer in any other way.

The CHAIRMAN. Do you think it is a statesmanlike thing for a man charged with that responsibility to take no steps to perpetuate the truth by making a record of the facts, if his memory is so uncertain as yours?

Mr. TOWNE. I never thought it necessary to do that.

The CHAIRMAN. If it were true that you absented yourself for a consideration of any kind, do you not now regard it as a violation of your official oath that you took when you entered upon the duties of that office?

Mr. TOWNE. If I had received something it certainly would be.

The CHAIRMAN. Then you knew at the time that it was a serious affair, did you not?

Mr. TOWNE. Why, if there was any foundation for it, most certainly.

The CHAIRMAN. I am only putting the matter to you in this way in order, if I can, to awaken some sense of responsibility in your mind that will enable you to put your mind to work to recall the facts in regard to this act of yours. Can you now put your mind in action so that you will recollect something of the facts and occurrences of that day, as to the time you left the chamber, where you went, whom you talked to, and when you returned to the chamber? Can you remember any of those things?

Mr. TOWNE. I can remember some of those things in a general way.

The CHAIRMAN. Why "in a general way"? Responsibility is not "in a general way."

Mr. TOWNE. It would be absolutely impossible for me to tell definitely the exact minute that I did this or that.

The CHAIRMAN. Were you thinking at all on that occasion?

Mr. TOWNE. Not with regard to exactly when I was doing a given thing or any specific act.

The CHAIRMAN. You were just dawdling away, were you, in a feeling of irresponsibility?

Mr. TOWNE. I imagine that a man, as a rule, does not take down the exact time he does any given act, no matter whether it is official or private, or what it is.

The CHAIRMAN. Men in high position, as a rule, are able to account for their acts in connection with the performance of their duties. If they are not, the people that put them there made a mistake. You realize that; do you not?

Mr. TOWNE. I hardly believe it would be necessary for a man to know the exact time he did anything in order to be responsible.

The CHAIRMAN. You do not? Did you make a campaign when you were a candidate for the legislature?

Mr. TOWNE. Yes, sir.

The CHAIRMAN. You went before the people and made speeches to them, did you?

Mr. TOWNE. Yes, sir.

The CHAIRMAN. Did you read your speeches, or did you speak out from your mind?

Mr. TOWNE. I spoke from my mind.

The CHAIRMAN. You could remember what you wanted to say, could you?

Mr. TOWNE. I never spoke any from writing. I spoke offhand, as the saying is.

The CHAIRMAN. Your mind was active, was it—vigorous?

Mr. TOWNE. I endeavored to make it as much so as possible.

The CHAIRMAN. You exercised a real effort there, did you?

Mr. TOWNE. I dare say I did.

The CHAIRMAN. More than you did in the performance of your duties after you were in office? Is that true?

Mr. TOWNE. I do not know that it is.

The CHAIRMAN. It is near the hour of adjournment—within four minutes of it. I want to say to Mr. Zimmerman, Mr. Farrell, and Mr. Leuch that we shall expect them to be in attendance in the morning. The committee will stand adjourned until 10 o'clock to-morrow morning.

(Thereupon, at 4 o'clock and 26 minutes p. m., the subcommittee adjourned until to-morrow, Saturday, October 21, 1911, at 10 o'clock a. m.)

SATURDAY, OCTOBER 21, 1911.

FEDERAL BUILDING,
Milwaukee, Wis.

The subcommittee met at 10 o'clock a. m.

Present: Senators Heyburn (chairman) and Pomerene.

Present also: Mr. C. E. Littlefield, Mr. W. E. Black, and Mr. H. H. J. Upham, counsel for Senator Isaac Stephenson.

TESTIMONY OF SILAS R. TOWNE—Resumed.

The CHAIRMAN. Mr. Towne, are you in condition to go on with the testimony in this case?

Mr. TOWNE. Yes, sir.

The CHAIRMAN. You have been drinking this morning, have you not?

Mr. TOWNE. Oh, I may have been.

The CHAIRMAN. Have you?

Mr. TOWNE. It is possible.

The CHAIRMAN. Are you under the influence of liquor now?

Mr. TOWNE. No, sir.

The CHAIRMAN. Not at all, to any extent?

Mr. TOWNE. Oh, to no material extent.

The CHAIRMAN. I think it is obvious from your statement and appearance before the committee that you are not in condition to be examined at this time. You will be excused until 2 o'clock. The committee admonishes you that between now and the time you appear on the witness stand you are not to take any intoxicating liquors. You are in the custody of the committee, and you, or those who furnish you with liquors, will be held responsible before the committee.

You are excused now. Do not forget that admonition.

Mr. TOWNE. Thank you.

The CHAIRMAN. One of the officers of the committee will keep an eye on this witness. He is as much on the stand or under the charge of the committee as though he were in that chair. Anyone offering or giving him liquor will be held just as much responsible as though he brought it to him in the witness chair.

TESTIMONY OF PETER F. LEUCH.

PETER F. LEUCH, having been previously sworn, testified as follows:

The CHAIRMAN. Give your full name.

Mr. LEUCH. Peter F. Leuch.

The CHAIRMAN. Where do you reside?

Mr. LEUCH. 1450 Tenth Street, city of Milwaukee.

The CHAIRMAN. What is your occupation or business?

Mr. LEUCH. I am an attorney.

The CHAIRMAN. Were you a member of the Legislature of Wisconsin during the last session?

Mr. LEUCH. During the 1909 session I was a member.

The CHAIRMAN. 1909?

Mr. LEUCH. Yes, sir.

The CHAIRMAN. Was that your first experience as a legislator?

Mr. LEUCH. That was my first experience.

The CHAIRMAN. You were personally acquainted with Mr. Davies, a member of the legislature at the same session, were you?

Mr. LEUCH. I was acquainted with Mr. Davies, but he was not a member of the legislature at that time.

The CHAIRMAN. Did you have a conversation with Mr. Davies during that session of the legislature?

Mr. LEUCH. Yes, sir.

The CHAIRMAN. Where was this conversation?

Mr. LEUCH. This conversation was just outside of the assembly chamber at the capitol.

The CHAIRMAN. What, if any, official position did Mr. Davies hold?

Mr. LEUCH. He held no official position that I knew of, except that he was out there, as I understood it, in the interest of Mr. Stephenson.

The CHAIRMAN. Just repeat the conversation Mr. Davies had with you, and the circumstances attending the conversation.

Mr. LEUCH. On the 1st of March, 1909, when the majority of the Republican members and Democratic members stayed out of the joint convention, about 10 o'clock, Mr. Davies asked me to come out of the chamber; and he then told me that there was a plan on foot to stay out of the joint convention.

The CHAIRMAN. For whom to stay out?

Mr. LEUCH. The Republican members; the majority of the Republican members would stay out of the joint convention. He asked me whether I would stay out. I told him I did not know anything about that, but if they were going to stay out I considered that there would be a reason for it; and I gave him no answer either one way or the other. About half past 11, or possibly quarter to 12, just before the two houses met, while going to the senate chamber, Mr. Davies stopped me and said he wanted to talk to me. He then said—I will try to repeat the words as nearly as I can—

Now, Leuch, I have authority to tell you that you can have anything you want if you will stay in there and vote. You don't have to vote for Mr. Stephenson, but just simply stay in there and vote.

I told him that that was equivalent to voting for Mr. Stephenson, if I helped him build up a quorum, and I would not do that. That was the extent of our conversation.

The CHAIRMAN. Whom were you supporting for Senator?

Mr. LEUCH. No one man in particular at all.

The CHAIRMAN. For whom did you vote?

Mr. LEUCH. I voted for different men on different days.

The CHAIRMAN. For whom did you vote at the time the election occurred?

Mr. LEUCH. At the time the election occurred I voted for a friend of mine, Mr. Hoffman.

The CHAIRMAN. You did not vote for Mr. Stephenson at any time, then?

Mr. LEUCH. I voted for Mr. Stephenson, I think, on the third or fourth ballot. That was before the investigation was started.

The CHAIRMAN. Do you know anything about the occurrence of three Democratic members of the legislature absenting themselves at the time of the election of Senator Stephenson?

Mr. LEUCH. Nothing except what I heard after a while, after the election of Senator Stephenson.

The CHAIRMAN. From whom did you hear it?

Mr. LEUCH. From different members, and newspapers, and things of that kind.

The CHAIRMAN. Did you hear it from any of the members who absented themselves?

Mr. LEUCH. No, sir.

The CHAIRMAN. You never had any conversation with them?

Mr. LEUCH. No, sir; I never had any conversation with them.

The CHAIRMAN. Was it charged in the newspapers that you had made a statement in regard to this matter?

Mr. LEUCH. Not that I remember.

The CHAIRMAN. Did you charge the men who had stayed out of the session with having been paid to do so?

Mr. LEUCH. No, sir.

The CHAIRMAN. I notice on page 575 of the proceedings before the senate committee that you make this statement in your testimony:

Now, I want to say something about the misconstruction that some of the newspapers, especially, have placed on what I said in the assembly chamber. The Sentinel and Free Press, especially, said that I had charged the Democrats who walked out as having accepted a bribe, or offered a bribe, and that I knew about this \$1,500 that was supposed to have been made to Mr. Domachowski. I want to say right here, I don't know anything about it. I don't know anything about anybody's affairs except what happened to me personally. That is all I know, and that is all I testify to.

You so testified; did you not?

Mr. LEUCH. Yes, sir; I did.

The CHAIRMAN. What was the full name of Mr. Davies, the man who made this statement to you?

Mr. LEUCH. David Davies.

The CHAIRMAN. Was it David H. Davies?

Mr. LEUCH. I would not say as to his middle name. It may possibly be.

The CHAIRMAN. That was the name you gave in your testimony?

Mr. LEUCH. David H.?

The CHAIRMAN. You say he was, at that time, a deputy sheriff?

Mr. LEUCH. He was formerly a deputy sheriff in one of the circuit courts here.

The CHAIRMAN. You say, at page 576:

He was in the detective business for a while. I do not know whether he still is or not.

Do you know anything about that?

Mr. LEUCH. He told me that one day, before the session opened, that he was in some kind of detective business.

The CHAIRMAN. Did he tell you on whose behalf he made this statement to you, that you could have anything you wanted?

Mr. LEUCH. No, sir; he did not mention any names, and he said nothing more than what I said a minute ago.

The CHAIRMAN. Did he give any intimation as to the person or persons for whom he was speaking to you?

Mr. LEUCH. No, sir; he mentioned no names.

The CHAIRMAN. Did you attach any real importance to it at that time, or did you regard it as the talk of a detective?

Mr. LEUCH. I believe this, Senator, that at the time there was so much lobbying done in favor of the election of Mr. Stephenson, and his connection with Mr. Edmonds, and other members up there, that I assumed that he spoke by authority and instructions that he had gotten from some one of those men who were there in behalf of Senator Stephenson.

The CHAIRMAN. Did Mr. Davies speak to you several times in regard to your supporting Senator Stephenson?

Mr. LEUCH. Oh, before that he asked me to support him, and I told him that I would not vote for Senator Stephenson while this investigation was pending; that I would not vote for him until I was positive that there was no ground for this investigation.

The CHAIRMAN. Was Mr. Davies about there on the 4th of March?

Mr. LEUCH. I am quite positive he was there. He was there the greater part of the time until Senator Stephenson was elected, from the time the session opened.

The CHAIRMAN. You had been acquainted with Mr. Davies for a number of years, had you?

Mr. LEUCH. I probably knew him six months before the session opened. I met him here in town.

The CHAIRMAN. Before the session opened?

Mr. LEUCH. Yes; before January, 1909.

The CHAIRMAN. Did he ever speak to you about this matter before you went up to Madison?

Mr. LEUCH. No, sir.

The CHAIRMAN. He never made you what you considered an offer or a proposition except on this one occasion?

Mr. LEUCH. That is the only occasion.

The CHAIRMAN. In this conversation you have recited, did he ask you to vote for Senator Stephenson on that day?

Mr. LEUCH. No, sir; he said I did not have to vote for Senator Stephenson, but that I should merely go in there and vote.

The CHAIRMAN. It was your duty to do that, was it not?

Mr. LEUCH. Not necessarily.

The CHAIRMAN. Is it not the duty of every member of the legislature to vote on every roll call?

Mr. LEUCH. Well, it is; but I believe, Senator, there is a reason for staying out where there is an attempt being made to manipulate the election.

The CHAIRMAN. Staying out is an attempt to manipulate an election, is it not?

Mr. LEUCH. Perhaps.

The CHAIRMAN. Would you feel that you were justified in attempting to manipulate an election for United States Senator?

Mr. LEUCH. Possibly not in that way.

The CHAIRMAN. You use the word "manipulate" in an odious sense, do you not? You do not apply it to candid, open, upright conduct? When you use the word manipulate you infer that it is done in a wrongful manner or for a wrongful purpose, do you not?

Mr. LEUCH. Yes.

The CHAIRMAN. Is not staying out of a legislature and avoiding the performance of duty as much a violation of your duty as though you stayed in and violated it by voting corruptly?

Mr. LEUCH. Perhaps it is, but I considered staying out of that joint convention more of a duty at that time, while this investigation was pending—while we had no information at all as to whether or not there had been corrupt means used in furthering the election of Senator Stephenson than electing him on that particular day or any other day. There was lots of time to elect a Senator, but there was very little time to find out whether or not he had used money corruptly, or violated the election laws, and I considered that more important than electing him on that day or in the near future.

The CHAIRMAN. Did you ascertain before you voted on the day when the Senator was elected that there had been corruption or corrupt methods used by Senator Stephenson?

Mr. LEUCH. We could not tell except that the investigation was going on and that things were developing from day to day. We could not tell whether money had been used in violation of the election laws or not. We could not tell at that time. The investigation was not nearly completed. I considered it my duty to hold off that election until we knew positively whether or not money had been used corruptly or in violation of the law.

The CHAIRMAN. No other person made any corrupt or wrongful proposition to you in connection with this election?

Mr. LEUCH. No, sir.

The CHAIRMAN. Were you in attendance yesterday?

Mr. LEUCH. I was here yesterday afternoon.

The CHAIRMAN. Did you hear Mr. Davies testify?

Mr. LEUCH. No, sir; I did not hear Mr. Davies testify.

The CHAIRMAN. Your testimony, as given before the senate committee, and in effect as you have given it today, was read to Mr. Davies yesterday, and he was asked whether or not that was true. He says you must have been mistaken, because he does not remember ever having made such a statement to you. Then I read to him, from the former testimony, and asked him:

Did such an occurrence take place?

To which he answered:

No, sir.

He further replied to my questions as follows:

Q. Did you speak to Mr. Leuch on that occasion on the 1st of March?—A. I do not remember whether—I had several conversations with Mr. Leuch, because I knew him very well. But I never had this conversation, or any such conversation.

Q. Did you have any conversation in substance such as the conversation stated?—A. Not that I remember, excepting that at different times we had talks about the election of Senator Stephenson, and if I remember correctly, one time he said he was tired, and he spoke something about his constituents—in effect that he would change if it were not for what his constituents would think.

Did you have such a talk as that with him?

Mr. LEUCH. No, sir.

The CHAIRMAN. He was then asked?

Were you authorized or in a position to pay to or promise Mr. Leuch anything for anything that he did or refrained from doing?

To which he replied:

No, sir.

Then this question and answer followed:

Did any conversation occur between you and Mr. Leuch with reference to his remaining in the session or leaving the session?—A. No, sir.

When Mr. Davies so testified, did he tell the truth?

Mr. LEUCH. No, sir; he did not tell the truth.

The CHAIRMAN. In the absence of the pendency of the investigation, would you have supported Senator Stephenson?

Mr. LEUCH. Yes, sir. If no charges had been preferred against Senator Stephenson that he violated the election laws, then I would have considered it my duty, under the primary law, to vote for him for United States Senator.

The CHAIRMAN. Your constituency had voted for Senator Stephenson, had they?

Mr. LEUCH. The majority had supported Mr. McGovern.

The CHAIRMAN. The majority had?

Mr. LEUCH. Yes.

The CHAIRMAN. Then what would have impelled you to vote for Senator Stephenson? Your convictions?

Mr. LEUCH. No, sir; the fact that Senator Stephenson got the majority of the votes throughout the State; that he got the largest number of votes.

Mr. LITTLEFIELD. He had a plurality, you mean, I suppose.

Mr. LEUCH. Yes.

The CHAIRMAN. You mean at the primaries?

Mr. LEUCH. Yes.

The CHAIRMAN. Were your sympathies with Senator Stephenson, in the absence of anything which you considered to be binding upon your action?

Mr. LEUCH. I would not say it was exactly my sympathies. I think it would have been my duty to vote for Senator Stephenson, if nothing else had intervened.

The CHAIRMAN. The only difference seems to have been as to your conception of your duty with reference to remaining in the legislature and allowing the responsibility to rest upon the legislature, rather than upon absentee members?

Mr. LEUCH. Perhaps.

The CHAIRMAN. The legislature was invested with the responsibility in connection with its duty. A member of the legislature absent avoided both.

Mr. LEUCH. At the same time I considered it the duty of the legislature to find out whether or not corrupt means were used in bringing about that election; and until that was determined, I considered it my duty to do as I did.

The CHAIRMAN. I think we understand your motives and I commend your candor. It is rather refreshing to have a man who remembers and is candid. I think you have not said once that you do not remember.

Mr. LEUCH. I do not think I have.

Senator POMERENE. This conversation you speak of you fix as having occurred on March 1?

Mr. LEUCH. Yes, sir.

Senator POMERENE. How long before that date did you know that Mr. Davies was in Madison in the interest of Senator Stephenson?

Mr. LEUCH. Oh, he was there right after the session opened. He may have been there before the session opened. I knew for probably a month or two months that he was working in the interest of Senator Stephenson.

The CHAIRMAN. That is, prior to March 1?

Mr. LEUCH. Yes, sir.

The CHAIRMAN. You said you had two talks with him on this day, and the last one was about 11.30 or 11.35?

Mr. LEUCH. Yes, sir.

Senator POMERENE. And the first one was at about what hour?

Mr. LEUCH. About 10 o'clock. It was just after I got to Madison. I got to Madison at 9.55, and probably a little after 10 o'clock I got into the capitol, or the assembly.

Senator POMERENE. This 10 o'clock conversation was in the capitol?

Mr. LEUCH. Yes.

Senator POMERENE. And also the 11.30 or 11.45 conversation?

Mr. LEUCH. Yes, sir.

Senator POMERENE. Between those two conversations did you see Mr. Davies?

Mr. LEUCH. No.

Senator POMERENE. Did you know where he was?

Mr. LEUCH. He was around in the building. That is all I know.

Senator POMERENE. Did you know with whom he was conferring?

Mr. LEUCH. No; I did not watch him about that. I did not pay any attention to him at all.

Senator POMERENE. Have you any information of his having made similar propositions to any other members of the general assembly?

Mr. LEUCH. No, sir.

Senator POMERENE. I think that is all.

Mr. LITTLEFIELD. You were engaged, I take it, in a deliberate filibuster to prevent the election of Senator Stephenson?

Mr. LEUCH. No.

Mr. LITTLEFIELD. It was not deliberate, was it?

Mr. LEUCH. No; it was not even a filibuster.

Mr. LITTLEFIELD. What do you call it when you leave the legislative hall for the purpose of breaking a quorum? Let us get your legal definition as an attorney, you being a candid man.

Mr. LEUCH. That depends on what the reason for leaving it is.

Mr. LITTLEFIELD. Does the fact of leaving to prevent an election constitute any part of a filibuster, in your judgment? What was your object in leaving, when you left? I will put it in that way.

Mr. LEUCH. My object in leaving the assembly chamber was to prevent the election of Senator Stephenson or any man for the United States Senate until such time as the committee which was authorized to investigate the charges preferred against Senator Stephenson could report.

Mr. LITTLEFIELD. Your object at that time was to prevent an election, was it not?

Mr. LEUCH. Yes.

Mr. LITTLEFIELD. Do you or do you not know that that is the essential feature of a filibuster? Being a very candid man, what do you say as a legislator and as an attorney? Tell us. I want to see what a candid man will do.

Mr. LEUCH. It depends on what you call a filibuster.

Mr. LITTLEFIELD. I ask you if you do not know that that is the essential element of a filibuster. Do you or do you not, or is that one of the things that you do not remember or do not know?

Mr. LEUCH. Perhaps it is an essential element of a filibuster.

Mr. LITTLEFIELD. Do you not know that it is, without any "perhaps"? How old are you?

Mr. LEUCH. Twenty-seven.

Mr. LITTLEFIELD. How long have you been a member of the bar?

Mr. LEUCH. About three years.

Mr. LITTLEFIELD. When were you admitted to the bar?

Mr. LEUCH. In 1908.

Mr. LITTLEFIELD. I mean the day.

Mr. LEUCH. I do not remember the day.

Mr. LITTLEFIELD. Oh, you do not remember the day? Have we struck something that you do not remember? Think it over.

Mr. LEUCH. I do not remember the day. It was some time in the spring of 1908.

Mr. LITTLEFIELD. But what month?

Mr. LEUCH. February, I believe it was.

Mr. LITTLEFIELD. Can you not tell the day?

Mr. LEUCH. No, sir.

Mr. LITTLEFIELD. Where was it?

Mr. LEUCH. In Milwaukee County.

Mr. LITTLEFIELD. Was it the 1st of February?

Mr. LEUCH. I do not remember.

Mr. LITTLEFIELD. Oh, that is another thing you do not remember. Was it the last of February?

Mr. LEUCH. I do not remember.

Mr. LITTLEFIELD. That is another thing you do not remember. Was it the middle of February? Come, now.

Mr. LEUCH. Some time in February. I do not remember.

Mr. LITTLEFIELD. Do you mean to say that you can not tell this committee the day when you were admitted to the bar, and that only in 1907?

Mr. LEUCH. 1908.

Mr. LITTLEFIELD. 1908.

Mr. LEUCH. Yes; I mean to say to the committee that I do not remember the exact date.

Mr. LITTLEFIELD. That is one thing you do not remember. I think we now agree that to leave the legislative hall for the express purpose of preventing the election of a Senator is an essential element of a filibuster. You agree to that, do you not?

Mr. LEUCH. In a way, I do.

Mr. LITTLEFIELD. In a way, you do?

Mr. LEUCH. Yes.

Mr. LITTLEFIELD. Do you know that to be a fact?

Mr. LEUCH. Well, I will admit it.

Mr. LITTLEFIELD. You do admit it now?

Mr. LEUCH. Yes.

Mr. LITTLEFIELD. Why did you not frankly admit it when I first asked you? Being a candid man, I should like to have you tell the committee about that. You now admit it. You would not admit it at first. Tell the committee, being a candid man, why you would not do it in the first instance.

Mr. LEUCH. Because I considered it just as much of a duty to prevent that election until we knew why we should vote for Senator Stephenson or any other man. Until we had such information there was no reason for electing Senator Stephenson or any other man.

Mr. LITTLEFIELD. That is the only answer you can make to that question?

Mr. LEUCH. That is all.

Mr. LITTLEFIELD. Where were you educated?

Mr. LEUCH. In the Milwaukee public schools and in the high school and in Marquette College.

Mr. LITTLEFIELD. Did you go to law school?

Mr. LEUCH. Yes.

Mr. LITTLEFIELD. How long?

Mr. LEUCH. Three years.

Mr. LITTLEFIELD. When did you start?

Mr. LEUCH. In 1905.

Mr. LITTLEFIELD. What month?

Mr. LEUCH. In September.

Mr. LITTLEFIELD. What part of the month?

Mr. LEUCH. The fore part.

Mr. LITTLEFIELD. Can you not remember the date?

Mr. LEUCH. About the 13th or the 14th.

Mr. LITTLEFIELD. Are you prepared to swear that it was the 13th or the 14th of the month that you went into the law school?

Mr. LEUCH. I think it is immaterial, anyway, whether I went on the 13th or the 14th.

Mr. LITTLEFIELD. Is that the only answer you will make to that, being a candid man?

Mr. LEUCH. Yes, sir.

Mr. LITTLEFIELD. Whether it is immaterial or not, will you swear it was the 13th or the 14th that you went into law school?

Mr. LEUCH. I would not swear to that.

Mr. LITTLEFIELD. What is your recollection?

Mr. LEUCH. That is my recollection.

Mr. LITTLEFIELD. Does it occur to you that it is a little singular that you can not remember the day that you were admitted to the bar, but can remember the day when you went into the law school?

Mr. LEUCH. There is nothing singular about that.

Mr. LITTLEFIELD. Do you think it is immaterial?

Mr. LEUCH. Yes; it is very immaterial.

Mr. LITTLEFIELD. It is a matter of no consequence as to whether you remember details or not, I take it; is it?

Mr. LEUCH. Oh, I can remember details more important than that.

Mr. LITTLEFIELD. Do you swear now that it was the 1st day of March that you had this conversation?

Mr. LEUCH. Absolutely.

Mr. LITTLEFIELD. You are sure about that?

Mr. LEUCH. Yes.

Mr. LITTLEFIELD. Absolutely sure?

Mr. LEUCH. Yes.

Mr. LITTLEFIELD. Have you been sure ever since the conversation occurred?

Mr. LEUCH. Yes.

Mr. LITTLEFIELD. Have you always stated it that way?

Mr. LEUCH. Yes.

Mr. LITTLEFIELD. You have? Let me read your testimony. I am reading now from the record on page 575 of the Senate Journal, volume 2, part 1.

A. Yes; that is the first time we stayed out. I think that was March 1; I am quite sure.

You were not dead sure, were you?

Mr. LEUCH. Yes; I am dead sure.

Mr. LITTLEFIELD. Were you dead sure then?

Mr. LEUCH. Yes.

Mr. LITTLEFIELD. If you were sure, why did you not say so? Being a candid man, explain that to the committee. If, instead of saying you were quite sure, you then were dead sure, why did you not state that without any qualification?

Mr. LEUCH. I might have said "dead sure" just the same then.

Mr. LITTLEFIELD. But did you?

Mr. LEUCH. No, sir.

Mr. LITTLEFIELD. Did you make this statement?

Mr. LEUCH. I presume so.

Mr. LITTLEFIELD. At the time you swore you were quite sure you were absolutely sure, were you not?

Mr. LEUCH. Yes.

Mr. LITTLEFIELD. Why did you qualify it? Why did you not tell the committee that fact as you knew it?

Mr. LEUCH. I do not suppose there is any particular reason for it.

Mr. LITTLEFIELD. Did you tell the truth then?

Mr. LEUCH. Yes.

Mr. LITTLEFIELD. One minute; do not be in a hurry. Did you tell the truth then, when you were absolutely sure? You qualified it to the committee by saying, "I am quite sure."

The CHAIRMAN. Has this witness said that he was a candid witness?

Mr. LITTLEFIELD. I heard him characterized as such.

The CHAIRMAN. Counsel will refrain from any such comment upon any remarks made by a member of the committee.

Mr. LITTLEFIELD. Very well, Mr. Chairman. I was treating him as such. I assumed that he appeared to be such.

The CHAIRMAN. Counsel will not assume any more along that line.

Mr. LITTLEFIELD. Very well, Mr. Chairman.

What do you say, Mr. Leuch? At the time you made this statement you were absolutely sure. Did you tell the truth to the committee?

Mr. LEUCH. Yes.

Mr. LITTLEFIELD. One minute; wait until you get the question. Did you tell the truth to the committee when you said, "I am quite sure," qualifying it in that way?

Mr. LEUCH. Yes; I told the truth.

Mr. LITTLEFIELD. That is your understanding of what it is to tell the truth?

Mr. LEUCH. Yes.

Mr. LITTLEFIELD. You say you were going to the senate chamber when you met Mr. Davies?

Mr. LEUCH. Yes.

Mr. LITTLEFIELD. Are you sure about that?

Mr. LEUCH. Absolutely.

Mr. LITTLEFIELD. Have you been sure of that all the while?

Mr. LEUCH. Yes, sir.

Mr. LITTLEFIELD. Why were you going to the senate chamber?

Mr. LEUCH. The rest of the members who were staying out on that day were in the chamber, and I was going there to meet them.

Mr. LITTLEFIELD. You were going over to the senate chamber to meet the rest of the members who were leaving the assembly room?

Mr. LEUCH. Yes. They had already left the assembly room.

Mr. LITTLEFIELD. They had gone to the senate chamber?

Mr. LEUCH. To the senate chamber and to the adjoining room. The two rooms were together.

Mr. LITTLEFIELD. Where were you when you had the conversation with Mr. Davies?

Mr. LEUCH. When I had the conversation? Do you mean the second conversation?

Mr. LITTLEFIELD. Yes.

Mr. LEUCH. When I had the second conversation with Mr. Davies I was in the hallway which leads to the senate chamber and to what was at that time the senate judiciary room.

Mr. LITTLEFIELD. You were on your way to the senate chamber?

Mr. LEUCH. Yes.

Mr. LITTLEFIELD. You were going to the senate chamber because you understood there were other members of the assembly in the chamber?

Mr. LEUCH. Yes.

Mr. LITTLEFIELD. Who were in there? Do you know?

Mr. LEUCH. There were some in the two rooms, the senate chamber and the senate judiciary room. There were probably some 40 or 45 members, both Democrats and Republicans.

Mr. LITTLEFIELD. Do you remember the names of any of them?

Mr. LEUCH. Yes. There were Mr. Ingram, Mr. Morris, Mr. Zimmerman, and a whole lot of others.

Mr. LITTLEFIELD. Was Mr. Ingram the gentleman who was leading this filibuster against the election of Senator Stephenson?

Mr. LEUCH. I do not know that anybody was leading it.

Mr. LITTLEFIELD. Was Mr. Ingram the man who was pursuing the obstructive tactics against the election of Senator Stephenson?

Mr. LEUCH. I could not say that, because he did not speak to me.

Mr. LITTLEFIELD. You say you do not know whether he was or was not one of the men who was pursuing the obstructive tactics?

Mr. LEUCH. I do not know that he was any more than anybody else.

Mr. LITTLEFIELD. Was he not the house leader?

Mr. LEUCH. In a way, he was the house leader.

Mr. LITTLEFIELD. Were you what was known as a Half-breed at that time?

Mr. LEUCH. I was.

Mr. LITTLEFIELD. Mr. Ingram was also a Half-breed?

Mr. LEUCH. I understood so.

Mr. LITTLEFIELD. Was it or not the fact that Mr. Ingram was at least the Half-breed leader on the Republican side?

Mr. LEUCH. Oh, yes; he was.

Mr. LITTLEFIELD. Is it not a fact that Mr. Ingram was the man who actively participated in the obstructive tactics to prevent the election of Senator Stephenson?

Mr. LEUCH. I think he talked to different members, but he did not talk to me. I heard that after a while he talked to different members.

Mr. LITTLEFIELD. You have not such knowledge of the situation that you are prepared to testify that he was the man who was leading upon the Republican side?

Mr. LEUCH. Not absolutely. I used my own judgment as to whether or not I should stay in the chamber.

Mr. LITTLEFIELD. Who was leading? Was anybody leading the Half-breed Republicans in connection with that obstructive movement?

Mr. LEUCH. I do not know that there were any leaders there. We were all pretty well agreed.

Mr. LITTLEFIELD. Who was the most prominent Republican that was pursuing the obstructive tactics? Who took the most prominent part?

Mr. LEUCH. That is quite hard to tell. I do not know. There were different members of the senate and the assembly who were interested in the matter.

Mr. LITTLEFIELD. Were you walking along with any gentleman when you met Mr. Davies?

Mr. LEUCH. I was walking with Senator Kleczka; but he heard nothing of the conversation, because he walked right on.

Mr. LITTLEFIELD. I did not ask you about that. We have not reached that. You volunteered that, did you not?

Mr. LEUCH. Yes.

Mr. LITTLEFIELD. Do you think that is proper?

The CHAIRMAN. The witness's opinion upon that would have no weight.

Mr. LITTLEFIELD. I think it bears upon the intent of the witness, and upon his fairness.

The CHAIRMAN. It is a fair subject for inference on argument, but it is not within the rules of evidence to examine the witness as to his opinion upon the admissibility of testimony.

Mr. LITTLEFIELD. I was submitting it upon this ground—and of course if the chairman feels that it is not competent I shall not press it. That if the witness himself, in the examination, has answered in a way that he himself knows to be improper, that fact would be entitled to consideration as bearing upon the question of whether his credibility is to receive any weight. That is the only ground upon which I ask the question. If the committee thinks it is not admissible, I will not press it.

The CHAIRMAN. I do not think it is admissible.

Mr. LITTLEFIELD. Were you in conversation with Senator Kleczka as you walked along?

Mr. LEUCH. Yes.

Mr. LITTLEFIELD. What were you talking about?

Mr. LEUCH. Oh, we were talking about different legislative matters.

Mr. LITTLEFIELD. Give us one legislative matter that you and Senator Kleczka were talking about when you met Mr. Davies.

Mr. LEUCH. The thing that Senator Kleczka and I were most interested in during that session was a local bill, a fire and police bill. We were talking about that.

Mr. LITTLEFIELD. A local police bill?

Mr. LEUCH. Yes.

Mr. LITTLEFIELD. Affecting the city of Milwaukee?

Mr. LEUCH. Yes.

Mr. LITTLEFIELD. What were you saying about it?

Mr. LEUCH. We were talking over how we could change the bill. The bill had been introduced in the senate, and was unsatisfactory to a great many as it had been introduced, and we were talking over how it would be possible to change it and make it more agreeable to all sides.

Mr. LITTLEFIELD. Where did you meet Senator Kleczka that morning? Just as you started to walk with him?

Mr. LEUCH. I walked with him from the assembly chamber. He was up there.

Mr. LITTLEFIELD. He was in the assembly chamber?

Mr. LEUCH. Yes.

Mr. LITTLEFIELD. Was that before or after a vote was taken upon the United States Senatorship?

Mr. LEUCH. That was before a vote was taken.

Mr. LITTLEFIELD. Was Senator Kleczka leaving the assembly chamber also?

Mr. LEUCH. The assembly chamber was not his chamber to be in as a member.

Mr. LITTLEFIELD. Were they in joint convention?

Mr. LEUCH. No, sir.

Mr. LITTLEFIELD. The joint convention had not been called to order?

Mr. LEUCH. No, sir.

Mr. LITTLEFIELD. It was before 12 o'clock?

Mr. LEUCH. Yes, sir.

Mr. LITTLEFIELD. You met him where?

Mr. LEUCH. In the assembly chamber. He was out there, and I was walking out, and walked on with him.

Mr. LITTLEFIELD. Was he in conversation with you when Mr. Davies stepped up and spoke to you?

Mr. LEUCH. Yes.

Mr. LITTLEFIELD. Did he see Mr. Davies?

Mr. LEUCH. Yes.

Mr. LITTLEFIELD. Did he hear anything Mr. Davies said?

Mr. LEUCH. No, sir.

Mr. LITTLEFIELD. What did Mr. Davies first say?

Mr. LEUCH. Mr. Davies first said, "I want to talk to you a minute."

Mr. LITTLEFIELD. Did he make that statement in the presence of Senator Kleczka?

Mr. LEUCH. Yes.

Mr. LITTLEFIELD. Was Senator Kleczka where he could hear it?

Mr. LEUCH. Senator Kleczka was right alongside of me.

Mr. LITTLEFIELD. Mr. Davies was right close to you?

Mr. LEUCH. Mr. Davies was coming the other way. We were going down to the chamber, and he was coming from the chamber.

Mr. LITTLEFIELD. He was meeting you?

Mr. LEUCH. Yes, sir.

Mr. LITTLEFIELD. So that Senator Kleczka could not help having heard his request or suggestion that he wanted to talk to you?

Mr. LEUCH. It certainly must have been heard by Senator Kleczka.

Mr. LITTLEFIELD. You stepped out to one side?

Mr. LEUCH. We stopped right there, and Senator Kleczka walked on.

Mr. LITTLEFIELD. This conversation occurred while you were stopping there?

Mr. LEUCH. Yes.

Mr. LITTLEFIELD. After you got through that conversation with Mr. Davies, where did you go?

Mr. LEUCH. I went down to the senate chamber.

Mr. LITTLEFIELD. The place for which you had started?

Mr. LEUCH. Yes.

Mr. LITTLEFIELD. Have you ever before stated that you were on your way to the senate chamber?

Mr. LEUCH. I either said I was on the way to the senate chamber or to the senate judiciary room, which is practically one room.

Mr. LITTLEFIELD. This morning you said distinctly and positively that you were on your way to the senate chamber; did you not?

Mr. LEUCH. Yes.

Mr. LITTLEFIELD. Is that true—that you were on your way to the senate chamber?

Mr. LEUCH. Yes; I was on the way to the senate chamber, and to the other, too, for that matter.

Mr. LITTLEFIELD. Has that been your recollection all the way along?

Mr. LEUCH. Yes.

Mr. LITTLEFIELD. Has it been your statement all the way along?

Mr. LEUCH. I think so.

Mr. LITTLEFIELD. Let me read what you said:

Mr. Davies stopped me while I was going down to the senate judiciary room.

That is what the record says you testified to before the committee. Did you so state?

Mr. LEUCH. If the record says so, I presume I stated so.

Mr. LITTLEFIELD. Was it true?

Mr. LEUCH. It was true as to both. I went to the senate chamber and to the other room. They were both there, one adjoining the other.

Mr. LITTLEFIELD. What did you tell us this morning in the first instance—that you were going to the judiciary room, or to the senate chamber?

Mr. LEUCH. In the first instance I said “to the senate chamber.”

Mr. LITTLEFIELD. Is that true?

Mr. LEUCH. That is where I went.

Mr. LITTLEFIELD. Is that where you were going?

Mr. LEUCH. Yes.

Mr. LITTLEFIELD. If you were going to the senate chamber, that was your purpose; and you were not going to the senate judiciary room, although that may have been in the same vicinity? Is not that true?

Mr. LEUCH. At first I did not go to the senate judiciary room. I went to the senate chamber.

Mr. LITTLEFIELD. If you were going to the senate chamber, you knew that they were not the same?

Mr. LEUCH. No; they were not the same.

Mr. LITTLEFIELD. When you stated repeatedly here this morning that you were going to the senate chamber you knew that there were

two rooms, the senate chamber and the senate judiciary room, did you not?

Mr. LEUCH. Yes.

Mr. LITTLEFIELD. You stated deliberately that you were going to the senate chamber?

Mr. LEUCH. Yes.

Mr. LITTLEFIELD. And that was true, was it not?

Mr. LEUCH. Yes, sir.

Mr. LITTLEFIELD. You stated to the other committee that you were going to the senate judiciary room?

Mr. LEUCH. Yes; I did.

Mr. LITTLEFIELD. Was that true?

Mr. LEUCH. That was true also.

Mr. LITTLEFIELD. So that you were going to both?

Mr. LEUCH. I was going to both rooms.

Mr. LITTLEFIELD. That is the way you explain that?

Mr. LEUCH. I was going to both rooms.

Mr. LITTLEFIELD. If you were going to both, why did you not so state on my first examination—that you were going to the senate chamber and to the senate judiciary room?

Mr. LEUCH. I did not think it was necessary to make a distinction between the two rooms. They were adjoining.

Mr. LITTLEFIELD. Were you in both all of the time?

Mr. LEUCH. I did not think it was necessary to make a distinction between the two rooms. They were adjoining each other, and we were in both all of the time.

Mr. LITTLEFIELD. It had not occurred to you that you had made the other statement?

Mr. LEUCH. Oh, yes, it had.

Mr. LITTLEFIELD. When you testified here distinctly that you were going to the senate chamber, you knew that you testified before that you were going to the senate judiciary room, did you?

Mr. LEUCH. I knew that; yes, sir.

Mr. LITTLEFIELD. You remembered it?

Mr. LEUCH. I knew that; yes, sir.

Mr. LITTLEFIELD. You remembered it?

Mr. LEUCH. Yes, sir.

Mr. LITTLEFIELD. When you made the statement?

Mr. LEUCH. Yes, sir.

Mr. LITTLEFIELD. It is a matter of very little consequence, in your judgment, as to which you selected as your objective point?

Mr. LEUCH. I did not think it was of any consequence at all, because the rooms were practically together.

Mr. LITTLEFIELD. That is an immaterial detail.

Mr. LEUCH. Yes; I considered it so.

Mr. LITTLEFIELD. You say you voted for different people for Senator?

Mr. LEUCH. At different times.

Mr. LITTLEFIELD. For whom did you vote?

Mr. LEUCH. Which day?

Mr. LITTLEFIELD. Any day. Give, now, the names of all the candidates that you voted for, or give the names of all of the men for whom you voted.

Mr. LEUCH. That is quite impossible. There were 23 ballots taken, as I remember.

Mr. LITTLEFIELD. I object to that. Will you be kind enough, if you can, to give the names of all of the men for whom you voted?

The CHAIRMAN. Counsel's objection will be noted.

Mr. LITTLEFIELD. Yes. Will you be kind enough, Mr. Leuch, to give the names of all of the men for whom you voted?

Mr. LEUCH. I can not do it.

Mr. LITTLEFIELD. Give the name of one.

Mr. LEUCH. Mr. McGovern.

Mr. LITTLEFIELD. I will ask for how many men you did vote?

Mr. LEUCH. Oh, perhaps 8 or 10.

Mr. LITTLEFIELD. What is your best recollection?

Mr. LEUCH. I presume that is about right; 8 or 10.

Mr. LITTLEFIELD. You have given Mr. McGovern as one. Give the names of all of the men that you can remember for whom you voted.

Senator POMERENE. These votes are all recorded.

Mr. LITTLEFIELD. I presume so, but I am testing the recollection of the witness. I am not undertaking to establish the fact. Of course, I know how I can prove it.

Mr. LEUCH. I voted for Mr. McGovern, Mr. Scott, Mr. Estabrook, Mr. Hoffman, Mr. Stephenson, Mr. Ingram——

Mr. LITTLEFIELD. Mr. Stephenson. What Stephenson?

Mr. LEUCH. Senator Stephenson. I voted for him one day.

Mr. LITTLEFIELD. When was that?

Mr. LEUCH. That was on either the third or the fourth ballot.

Mr. LITTLEFIELD. Did you have any expectation that he was going to be elected at that time?

Mr. LEUCH. I did not care whether he was elected or not at that time. There was no investigation—it was not a settled matter.

Mr. LITTLEFIELD. What do you say? There was no investigation?

Mr. LEUCH. It had not been under way very long.

Mr. LITTLEFIELD. Were not the Blaine charges presented on the 26th of January?

Mr. LEUCH. Yes, sir.

Mr. LITTLEFIELD. Had not a vote been taken in the assembly and in the senate on the 26th?

Mr. LEUCH. Yes, sir.

Mr. LITTLEFIELD. Were there not votes in the joint assembly after that?

Mr. LEUCH. Yes.

Mr. LITTLEFIELD. On the third or fourth ballot you voted for Senator Stephenson, in the joint convention?

Mr. LEUCH. In the joint convention.

Mr. LITTLEFIELD. Did you vote for Senator Stephenson in the assembly on the 26th?

Mr. LEUCH. Yes, sir.

Mr. LITTLEFIELD. And on the third or fourth ballot in the joint convention you voted for Senator Stephenson?

Mr. LEUCH. Yes.

Mr. LITTLEFIELD. At that time the Blaine charges had been preferred?

Mr. LEUCH. Yes.

MR. LITTLEFIELD. And had been read, and were a matter of public information?

MR. LEUCH. Yes, sir.

MR. LITTLEFIELD. They were the only charges that ever were preferred? Is not that right?

MR. LEUCH. Yes, sir.

MR. LITTLEFIELD. And you voted for the Senator on the third or fourth day?

MR. LEUCH. Yes, sir.

MR. LITTLEFIELD. And you now say that you did not care whether he was or was not elected?

MR. LEUCH. On that day I did not.

MR. LITTLEFIELD. As I understand you, when you voted for him on the third or fourth day you did not care, as a member of the legislature, whether he was or was not elected?

MR. LEUCH. Yes.

MR. LITTLEFIELD. That is right, is it?

MR. LEUCH. Yes; that is right.

MR. LITTLEFIELD. It did not make any difference to you whether your vote elected him or failed to elect him?

MR. LEUCH. No, sir; not on that day.

MR. LITTLEFIELD. The charges had been preferred, and you knew all about them. You have stated here quite frequently that the reason why you went out to obstruct the election was because it had not been ascertained, in substance, whether these charges were well founded?

MR. LEUCH. Yes, sir.

MR. LITTLEFIELD. How do you account then, as a legislator, on the responsibility of your oath, for voting for Senator Stephenson after the charges had been preferred and before the investigation had really been begun? If your statement is true that the reason why you justify the filibuster is because the charges had not been investigated, so that you did not know whether they could be sustained, how did you justify your vote for the Senator three days after the charges were preferred, when practically no investigation at all had been made?

MR. LEUCH. Will you permit me to answer that in my own way?

MR. LITTLEFIELD. Answer the question.

MR. LEUCH. When Senator Blaine presented the charges to the Senate, there were some 15 or 16 charges. There was one of those charges which I considered very material. That was the charge that money had been given to Lester Tilton, a candidate for the legislature, in consideration of his voting for Senator Stephenson if he was elected. That was the only charge that I considered very serious among all of them. On or about the third or fourth ballot, I believe it was, Mr. Hambrecht or Mr. Twesme produced an affidavit in the assembly supposed to have been signed by Mr. Tilton, in which he denied that he had received any money from Senator Stephenson for that purpose. That affidavit was under oath, and Senator Blaine's charges were not made under oath. I gave Mr. Tilton the benefit of the doubt. Then I considered it my duty to vote for Senator Stephenson, as long as that charge had gone flat. After that time I found out that Mr. Tilton had written a letter to Mr. Aylward in which he admitted that he had received money from Senator

Stephenson for that purpose, and that letter is in the record. Then I changed my vote, and consistently voted against Senator Stephenson.

Mr. LITTLEFIELD. Your whole explanation, boiled down, is that the only charge you considered of consequence was this charge that was predicated upon what Mr. Tilton had done? That is the eleventh charge. There were 16 charges.

Mr. LEUCH. Yes, sir.

Mr. LITTLEFIELD. None of which had been investigated. That is right, is it not?

Mr. LEUCH. Not thoroughly.

Mr. LITTLEFIELD. Had they at all?

Mr. LEUCH. Somewhat. The committee had started to work upon them.

Mr. LITTLEFIELD. It had been at work since the 27th or 28th, had it not? Do you remember the day of the month when you voted? Do you say the 2d or 3d?

Mr. LEUCH. We began to vote on the 26th.

Mr. LITTLEFIELD. No; the 26th was the day of the vote in the separate houses.

Mr. LEUCH. That is the vote I mean.

Mr. LITTLEFIELD. I will look at the record and see when you did vote. The charges were preferred on the 26th. They were 16 in number, and the only one of those charges that you considered of any consequence was the one relating to Lester Tilton. Am I right about that?

Mr. LEUCH. Yes, sir.

Mr. LITTLEFIELD. And the committee, you say, had begun to investigate?

Mr. LEUCH. I believe they had. If they had not begun to investigate, then the charges were being discussed in both houses.

Mr. LITTLEFIELD. Do you say you believe the committee had begun to investigate?

Mr. LEUCH. That is my recollection.

Mr. LITTLEFIELD. That is your best recollection, I take it?

Mr. LEUCH. That is my best recollection.

Mr. LITTLEFIELD. I will call your attention to the record which shows that on February 16, 1909, the committee began to investigate. Having refreshed your recollection by that fact, you would not say that on the 27th of January they had begun to investigate, would you?

Mr. LEUCH. No; I would not, if the record shows that.

Mr. LITTLEFIELD. I will let you see it.

Mr. LEUCH. Oh, I will take your word for it.

Mr. LITTLEFIELD. This is the beginning of the volume.

Mr. LEUCH. I have not looked over these records since I came here.

Mr. LITTLEFIELD. The fact about it is that there had not been any investigation of any of these charges when you voted, after they were preferred, for Senator Stephenson. Is not that right? Are you not satisfied about that?

Mr. LEUCH. Yes; if the record shows that, it must be true.

Mr. LITTLEFIELD. Had you at that time examined all these charges? I suppose you had.

Mr. LEUCH. Yes.

Mr. LITTLEFIELD. No one of them impressed you as being of any consequence except the eleventh, relating to Tilton?

Mr. LEUCH. Not of serious consequence; no.

Mr. LITTLEFIELD. They were of so little consequence that you voted for the Senator without investigating them, did you not?

Mr. LEUCH. Yes, sir.

Mr. LITTLEFIELD. And you did that deliberately, did you not? You voted deliberately?

Mr. LEUCH. Yes, sir; I did that deliberately.

Mr. LITTLEFIELD. Nobody coerced you to vote?

Mr. LEUCH. No, sir; did that of my own volition.

Mr. LITTLEFIELD. You had the charges before you, did you not?

Mr. LEUCH. Yes, sir.

Mr. LITTLEFIELD. With the knowledge of their existence, they were not sufficiently serious, except the eleventh—

Mr. LEUCH. Except the eleventh.

Mr. LITTLEFIELD (continuing). To affect your vote in the slightest degree?

Mr. LEUCH. Yes, sir.

Mr. LITTLEFIELD. You thought Senator Stephenson was entitled to the result of the primaries?

Mr. LEUCH. All things being equal; yes, sir.

Mr. LITTLEFIELD. You voted for him on the 28th; you thought he was entitled to the result of the primary, and you did not vote for him on the 27th. I should like to know what the conditions were on the 27th that justified you, upon your theory, in withholding your vote from the Senator?

Mr. LEUCH. On the 27th, when these charges had been sent from the senate to the house, there had been nothing produced which would change my mind or would be satisfactory proof to me that Lester Tilton had not received any money. I took the charge of Senator Blaine—that is, No. 11—to be the truth until it was otherwise shown.

Mr. LITTLEFIELD. Oh, it was because some one stated on the floor on the 28th that there was no foundation for it?

Mr. LEUCH. No; some one did not state so. It was either Mr. Hambrecht, I believe, or Mr. Twesme that produced an affidavit of Mr. Tilton that he had not received any money.

Mr. LITTLEFIELD. That is the reason?

Mr. LEUCH. That is the reason why I changed my vote.

Mr. LITTLEFIELD. So you ignored all the others?

Mr. LEUCH. Yes, sir.

Mr. LITTLEFIELD. When was this letter of Tilton produced?

Mr. LEUCH. Before the joint committee. I could not give you the date.

Mr. LITTLEFIELD. Did you learn on that same day or the next day, the 29th, of the letter that Tilton is said to have written?

Mr. LEUCH. I learned that on the afternoon of the 28th—the day I voted for Senator Stephenson.

Mr. LITTLEFIELD. And that is when you made your change?

Mr. LEUCH. Yes, sir.

Mr. LITTLEFIELD. The first charge, that approximately \$250,000 had been spent by the Senator in procuring his election, did not impress you as at all serious?

Mr. LEUCH. No, sir; it did not, for this reason: Our election laws did not specify any amount that any candidate could spend.

Mr. LITTLEFIELD. And the amount of the expenditure did not impress you as giving rise to any improper or unlawful inference?

Mr. LEUCH. No, sir.

Mr. LITTLEFIELD. If it had, you would not have voted for Senator Stephenson?

Mr. LEUCH. If it had, I would not have voted for Senator Stephenson.

Mr. LITTLEFIELD. And that inference of yours, I suppose, is made up from your knowledge of political conditions here in Wisconsin?

Mr. LEUCH. In a way; yes, sir.

Mr. LITTLEFIELD. It did not strike you as being so much out of the way or so unusual as to raise any presumption of unlawful conduct?

Mr. LEUCH. I considered the sum large; but then I did not——

Mr. LITTLEFIELD. It did not impress you as raising any presumption of unlawful or improper conduct?

Mr. LEUCH. Hardly.

Mr. LITTLEFIELD. Predicated upon your knowledge of conditions in Wisconsin? That is right, is it?

Mr. LEUCH. Yes, sir.

Mr. LITTLEFIELD. There is a charge that \$300 was corruptly and unlawfully paid to a man by the name of Keller for some acts to be done by him preliminary to the primary. That did not impress you as serious?

Mr. LEUCH. No, sir; for the reason that Keller, as I understood it, was not a candidate for any public office. He was merely a worker for Mr. Stephenson.

Mr. LITTLEFIELD. And the payment of money to him, corruptly or unlawfully, did not, in your judgment, affect the situation?

Mr. LEUCH. No, sir.

Mr. LITTLEFIELD. It was not serious?

Mr. LEUCH. No, sir.

Mr. LITTLEFIELD. The same is true as to Mr. Hambright and Mr. Morse? That did not impress you as being a serious proposition?

Mr. LEUCH. No, sir.

Mr. LITTLEFIELD. You apparently did not take much stock in these Blaine charges except the eleventh, did you?

Mr. LEUCH. I took more stock in the eleventh than anyone else, because he was a legislative candidate, and I knew it.

Mr. LITTLEFIELD. You understood he was a legislative candidate?

Mr. LEUCH. Yes, sir.

Mr. LITTLEFIELD. Was he a legislative candidate?

Mr. LEUCH. Yes, sir.

Mr. LITTLEFIELD. Who was?

Mr. LEUCH. Mr. Tilton.

Mr. LITTLEFIELD. Was he? Is that your recollection of it?

Mr. LEUCH. Yes, sir. He was a legislative candidate, running for the assembly, or was induced to run for the assembly.

Mr. LITTLEFIELD. The truth about it is that he was not a candidate, and he did not run. Is that the accuracy of the information or impression that you have? You understood that Tilton was a candidate for the assembly, and ran as such?

Mr. LEUCH. Yes, sir.

Mr. LITTLEFIELD. And you so understand it now?

Mr. LEUCH. Yes, sir; I so understand it. I was told at that time that he was a legislative candidate.

Mr. LITTLEFIELD. By whom were you told that? Who told you that Lester Tilton was a candidate for the assembly, and ran as such candidate.

Mr. LEUCH. I believe Mr. Ingram told me that.

Mr. LITTLEFIELD. And it was on the faith of the assertion made by Mr. Ingram, the Republican floor leader (or the Republican Half-breed leader), that Tilton was a candidate for the assembly, and had run as such, that you considered that charge serious? That is true, is it not?

Mr. LEUCH. Not on the faith of Mr. Ingram's statement; no.

Mr. LITTLEFIELD. That is where you got your information?

Mr. LEUCH. I got my information there; yes, sir.

Mr. LITTLEFIELD. The only information you had as to the fact that Mr. Tilton was a candidate for the assembly and ran as such you received from Mr. Ingram?

Mr. LEUCH. Yes, sir.

Mr. LITTLEFIELD. When did you get it from him?

Mr. LEUCH. That was probably a day or so before; when the charges first came out.

Mr. LITTLEFIELD. Did Mr. Ingram make that statement publicly on the floor of the assembly, do you remember?

Mr. LEUCH. No, sir; I do not believe he did.

Mr. LITTLEFIELD. He made it privately. Did he make it to anyone else at the time he made it to you?

Mr. LEUCH. Not that I know of.

Mr. LITTLEFIELD. At the time Mr. Ingram gave you this information, was he discussing with you the question of whether or not you would vote for Senator Stephenson?

Mr. LEUCH. Why, no.

Mr. LITTLEFIELD. He was not?

Mr. LEUCH. We were talking over the charges; that is all.

Mr. LITTLEFIELD. Were you talking them over with reference to the question as to how the charges would affect the Senator's vote?

Mr. LEUCH. No, sir.

Mr. LITTLEFIELD. Was the effect of the charges made by Mr. Blaine upon Senator Stephenson's prospects for election discussed at all between yourself and Mr. Ingram in that conversation?

Mr. LEUCH. Not in that one.

Mr. LITTLEFIELD. Was it in subsequent conversations?

Mr. LEUCH. At one other time Mr. Ingram and I talked about it; and we felt that we should not vote for Senator Stephenson until we had a report from that committee.

Mr. LITTLEFIELD. When did you have that conversation with him?

Mr. LEUCH. Probably a week or 10 days later.

Mr. LITTLEFIELD. Did you not consider it your duty to ascertain what the facts were in connection with these charges, if they were going to affect your vote in so important a matter as the election of a United States Senator?

Mr. LEUCH. That is what I tried to do by withholding my vote.

Mr. LITTLEFIELD. What effort did you make to ascertain whether or not the statement made to you by Mr. Ingram was or was not true?

Mr. LEUCH. I took Mr. Ingram's word for that.

Mr. LITTLEFIELD. You took Mr. Ingram's word for it?

Mr. LEUCH. Yes, sir.

Mr. LITTLEFIELD. And did not make any further investigation?

Mr. LEUCH. No, sir.

Mr. LITTLEFIELD. The fact is that Mr. Tilton was not a candidate for the assembly, and did not run, contrary to the statement of Mr. Ingram to you. If you had known that to be the truth at that time, your vote would have been cast consistently for Senator Stephenson, I take it? Is not that true?

Mr. LEUCH. Yes, sir. Now——

Mr. LITTLEFIELD. That is all. That covers that.

Senator POMERENE. Is there any explanation you want to make?

Mr. LEUCH. Yes, sir.

Senator POMERENE. Go ahead and make it.

Mr. LEUCH. When you refer to Mr. Tilton——

Mr. LITTLEFIELD. I am not through, if the committee please.

Senator POMERENE. I know; but the witness answered the question, and started to make some explanation. He has a right to make an explanation.

Mr. LEUCH. I am trying to find out from his question whether he means that Lester Tilton was a candidate at the primaries, or at the election?

Mr. LITTLEFIELD. Did you understand these charges to relate to sums paid to Lester Tilton at the election?

Mr. LEUCH. I mean at his election for the assembly in the fall of 1908.

Mr. LITTLEFIELD. Yes. Did you understand these charges to relate to the election of Lester Tilton as a candidate for the assembly, or did you understand them to relate to the primary?

Mr. LEUCH. To the primary.

Mr. LITTLEFIELD. That is the way I understood it. I say to you that he was not a candidate for the nomination in the primary, and did not run for the nomination, contrary to the statement made to you by Mr. Ingram. That is the only reason you had for not voting for Senator Stephenson? Is not that true?

Mr. LEUCH. Yes, sir. I understood all the time that Lester Tilton was a candidate.

Mr. LITTLEFIELD. In the primary?

Mr. LEUCH. In the primary. This is the first time that I have heard to the contrary.

Mr. LITTLEFIELD. And if you had not been misinformed, you would have consistently voted throughout for Senator Stephenson; would you not?

Mr. LEUCH. I probably would.

Mr. LITTLEFIELD. And of course it follows as a fair deduction, I suppose, that you would not have aided in the pursuing of any of these obstructive tactics unless you had understood the facts to be

as you have stated them in relation to Tilton? That is also true, is it not?

Mr. LEUCH. I probably would have been all right until the 1st of March, when Davies talked to me.

Mr. LITTLEFIELD. But before that time you would not have pursued any obstructive tactics?

Mr. LEUCH. I do not know of any now, any reason——

Mr. LITTLEFIELD. Yes; there was no reason why you should.

The CHAIRMAN. I call your attention to a statement made by you on the roll call:

Mr. LEUCH. Mr. President, I came down here yesterday morning with a firm conviction of voting for Senator Isaac Stephenson for United States Senator, but I had also pledged my constituents in my district that if any specific charges were preferred against Mr. Stephenson I would not vote for him until that investigation was disposed of. I am therefore bound to vote for John J. Esch at this time.

Did you so answer on the roll call when your name was called?

Mr. LEUCH. Yes, sir.

The CHAIRMAN. That is read from the record.

Mr. LITTLEFIELD. Will the chairman see whether that was repeated from time to time?

Mr. LEUCH. No, sir. That was made only once.

Mr. LITTLEFIELD. That statement was made one time only?

Mr. LEUCH. Yes, sir.

The CHAIRMAN. The record shows that on one occasion on one roll call on the vote for United States Senator he voted in blank. You will find that on page 11.

Mr. LEUCH. That was the first day we voted in separate houses.

The CHAIRMAN. It so appears.

We have no further questions. That is all.

Mr. LITTLEFIELD. I will ask you one more question, Mr. Leuch. You say you knew Mr. Davies about six months prior to this?

Mr. LEUCH. Yes, sir. He was at that time a deputy clerk in Judge Tarrant's court.

Mr. LITTLEFIELD. He was a deputy sheriff in Milwaukee?

Mr. LEUCH. Yes, sir.

Mr. LITTLEFIELD. Had you had occasion to meet him in the course of your business as an attorney?

Mr. LEUCH. I met him up in the court room once in a while. That is the only time.

Mr. LITTLEFIELD. I did not know but that you might have had him serving papers or something of that sort.

Mr. LEUCH. No, sir. He was the stationary deputy in the court room.

Mr. LITTLEFIELD. He was in attendance in the court room?

Mr. LEUCH. Yes.

Mr. LITTLEFIELD. And not a deputy who served papers?

Mr. LEUCH. No, sir.

Mr. LITTLEFIELD. How did you give his name this morning—David Davies?

Mr. LEUCH. David Davies. I always called him that. His initials are David H. Davies. I am quite positive of that.

Mr. LITTLEFIELD. Are you quite sure of that?

Mr. LEUCH. Yes; I always called him David.

Mr. LITTLEFIELD. You testified this morning that you could not recollect his middle letter, did you not?

Mr. LEUCH. It was not a recollection. I simply called him the way I always called him—David Davies.

Mr. LITTLEFIELD. What is the fact about when your attention was first called to it this morning? Did you or did you not recollect his middle letter?

Mr. LEUCH. I know positively now that his second initial is "H."

Mr. LITTLEFIELD. The question is, when your attention was first called to it this morning did you or did you not recollect his middle letter?

Mr. LEUCH. I did not just then, because we always called him David Davies.

Mr. LITTLEFIELD. Whatever the reason may have been, you did not recollect his middle letter?

Mr. LEUCH. I did not recollect it.

The CHAIRMAN. I think he stated at the time that he did not recollect it.

Mr. LITTLEFIELD. Yes; I wanted to get that fact. Your recollection, I take it, was very much fresher when you testified——

The CHAIRMAN. Is this in regard to Davies?

Mr. LITTLEFIELD. Yes.

The CHAIRMAN. There is no controversy as to the identity of Davies, is there?

Mr. LITTLEFIELD. I will not pursue that line. It is concerning a matter that is not worth spending any time about.

To whom did you first repeat the conversation that you had with Mr. Davies? I mean, now, on March 1, 1909.

Mr. LEUCH. I do not know that I told anybody about it on March 1. I told Senator Kleczka of it some time after.

Mr. LITTLEFIELD. The same day?

Mr. LEUCH. I do not think it was the same day. Probably it was the next day, or the day after.

Mr. LITTLEFIELD. Was Senator Kleczka the first man to whose attention you called it?

Mr. LEUCH. Yes, sir.

Mr. LITTLEFIELD. He is the first man to whom you stated it?

Mr. LEUCH. Yes.

Mr. LITTLEFIELD. Did you after that state it to anyone before you stated it to the committee?

Mr. LEUCH. I told Mr. Zimmerman.

Mr. LITTLEFIELD. Mr. Zimmerman is also a member of the house?

Mr. LEUCH. He is a member of the house.

Mr. LITTLEFIELD. That is all.

(The names of Paul J. Watrous, Arthur H. Lambeck, and Thomas H. Sanderson were called.)

Mr. Watrous and Mr. Lambeck responded to their names and the oath was administered to them by the chairman.)

TESTIMONY OF JOHN T. FARRELL.

JOHN T. FARRELL, having been previously sworn, testified as follows:

The CHAIRMAN. Where do you reside?

Mr. FARRELL. 364 Park Place, city.

The CHAIRMAN. How long have you resided in the city of Milwaukee?

Mr. FARRELL. Nearly 20 years.

The CHAIRMAN. You were a member of the Legislature of the State of Wisconsin during the year 1909?

Mr. FARRELL. I was.

The CHAIRMAN. Were you a member of either house of the legislature at other times?

Mr. FARRELL. No, sir.

The CHAIRMAN. You are not now a member of the legislature?

Mr. FARRELL. I am not now.

The CHAIRMAN. You served one term?

Mr. FARRELL. I served one term.

The CHAIRMAN. You were elected from the city of Milwaukee?

Mr. FARRELL. I represented the first assembly district—the first and eighteenth wards.

The CHAIRMAN. Do the sessions of the Legislature of Wisconsin have numbers? Are your sessions numbered?

Mr. FARRELL. Yes; the different sessions are numbered. I can not remember the number of the session.

The CHAIRMAN. You do not remember what number the session in question was?

Mr. FARRELL. No; it was the session of 1909 and 1910.

Mr. BLACK. It was the forty-ninth session, Mr. Chairman.

The CHAIRMAN. I am advised that it was the forty-ninth session.

Mr. FARRELL. That is the first I knew of it.

Mr. LITTLEFIELD. That is the way the Journal is headed—the forty-ninth session. That is all right. That is better for purposes of identification.

The CHAIRMAN. What is your occupation or business?

Mr. FARRELL. I am a directory publisher, compiler, and directory solicitor. It goes under the one heading of “directory work.”

The CHAIRMAN. You designate yourself as a publisher, I believe?

Mr. FARRELL. That is it—publishing directories; directory publisher. That covers publishing in directory lines.

The CHAIRMAN. I think you answered (at the bottom of page 4053):

Well, I am a publisher at the present time. Statesman, rather, right now.

That was true, then, was it?

Mr. FARRELL. That is true; yes.

Mr. LITTLEFIELD. He was then a member of the assembly.

Mr. FARRELL. I was a member at that time, and I considered myself a statesman.

The CHAIRMAN. You should have been.

Mr. FARRELL. Yes; I should have been.

The CHAIRMAN. Have you a distinct recollection of the occurrences of the 4th of March, 1909, at the time of, and in connection with, the election of Isaac Stephenson to the United States Senate?

Mr. FARRELL. I recall the day that Senator Stephenson received the majority of votes.

The CHAIRMAN. Were you present at that time?

Mr. FARRELL. I was not.

The CHAIRMAN. Where were you?

Mr. FARRELL. At the time of roll call I was eating my dinner in a café in the city of Madison, opposite the capitol building.

The CHAIRMAN. Was anyone with you?

Mr. FARRELL. No, sir.

The CHAIRMAN. Did you know that there would be a vote taken in the joint session at 12 o'clock on that day for United States Senator?

Mr. FARRELL. I did.

The CHAIRMAN. Why did you absent yourself?

Mr. FARRELL. I had no particular reason for absentsing myself. I left the assembly chamber before the roll was called, walked out from my desk to the rear of the building (located something similar to this room) to the door, walked in the back of the lobby over to the northeast corner of the building, took my coat and hat, walked out of the building, and over to the café.

The CHAIRMAN. What was transpiring in the assembly chamber at the exact time you left your seat?

Mr. FARRELL. At the exact moment I left? I could not tell what transpired at the exact moment. I know I left.

The CHAIRMAN. Was anyone speaking when you left?

Mr. FARRELL. No.

The CHAIRMAN. We will commence at the point when you rose from your desk. You say you left your desk?

Mr. FARRELL. Yes.

The CHAIRMAN. Do you remember what transpired when you were at your desk, immediately before rising to leave it?

Mr. FARRELL. No, sir; I can not recall. I think I came in from the lobby to my desk and went out. That is—

The CHAIRMAN. Let us stay by that point until we finish it. When you came in from the lobby to your desk, what was transpiring in the legislative body?

Mr. FARRELL. There was no business. At that time the joint session had not met. It met at noon, and this was before noon.

The CHAIRMAN. What time was it when you came in from the lobby and took your seat at your desk?

Mr. FARRELL. It might have been between 11.30 and 12, or perhaps between 11.45 and 12.

The CHAIRMAN. How long did you remain at your desk?

Mr. FARRELL. Possibly 5 or 10 minutes.

The CHAIRMAN. You remained there until the members of the joint assembly body had assembled, did you?

Mr. FARRELL. No. The joint body assembled at noon.

The CHAIRMAN. Had not the senate members entered the chamber before you left?

Mr. FARRELL. No; I do not think so. They usually entered at 12, or a few minutes prior.

The CHAIRMAN. We want to get the exact facts, as nearly as we can, aside from what they usually did.

Mr. FARRELL. Exactly.

The CHAIRMAN. You say you do not think they had. Please refresh your memory, and tell us whether or not the senate members had entered the chamber before you rose from your desk. We will make that an initial point from which to gather information.

Mr. FARRELL. Senator, I can not say positively whether they had or not. They might have been coming in, or they might have been just in the chamber, and I had not seen them. I can not recall that at this time. I would have recalled it the next day; but not now, three years afterwards.

The CHAIRMAN. You may recall it now, after thinking it over.

Mr. FARRELL. Senator, I have had considerable to do in the past three years in my business, and it has kept considerable things in my mind. A matter like that I could not possibly entertain such a length of time.

The CHAIRMAN. That is a matter of reasoning. Now let us see. Sometimes you can not remember a thing at the time of being asked a question, and you may remember it immediately afterwards. Try again.

Mr. FARRELL. Senator, I can not, because the matter was not impressed. Had it been impressed upon my mind, I might have retained it. I retain matters that are impressed upon my mind, probably, which will come to my mind again. At the present time I can not recall it.

The CHAIRMAN. That is, you can not remember whether or not you had risen at your desk when the senate members came into the joint session?

Mr. FARRELL. I can not, Senator.

The CHAIRMAN. Did you pass the senate members as you went out of the chamber?

Mr. FARRELL. I did not. I will describe the position I was in, if you wish, Senator.

The CHAIRMAN. I should be glad to have you do it.

Mr. FARRELL. I sat in seat 24.

Mr. LITTLEFIELD. Was that your regular seat?

Mr. FARRELL. Yes; No. 24. Not 23; the man alongside of me had that. As I stated before, the assembly chamber was located pretty near in the position of this building. There was a swinging door entering between the lobby. There was a wall between both swinging doors; I think about 30 or 40 feet between them. My aisle was facing this door, about 25 or possibly 30 or 35 feet. The senators entered from the south part of the chamber, I think, came down from the senate, down in, and came on the right side of the aisle. Four men were on the left of me. Consequently, when I left, I left in the aisle, went right down the aisle, right through this door—as stated before—and down into the back part of this lobby, went to the room, received my coat and hat, and went.

The CHAIRMAN. Let us not arrive there quite yet. Through which door did the senate members enter? The door you went out?

Mr. FARRELL. No.

The CHAIRMAN. How far from the door that you went out was the door that they entered?

Mr. FARRELL. They came in on the right. I do not know whether it was a door or an arch opening.

The CHAIRMAN. How far in feet?

Mr. FARRELL. I could not say, Senator. I may judge 15 or 20 feet. I am not positive of that. But they never came in the aisle. The sergeant at arms came in from the right and notified the speaker that the senate was ready to come into the chamber.

The CHAIRMAN. What did the sergeant at arms say to the speaker on that occasion?

Mr. FARRELL. I did not say he said it that day, Senator. I said it was customary for the sergeant at arms to do that.

The CHAIRMAN. What did he say on that day?

Mr. FARRELL. I did not hear him say anything. I do not think I was there to hear him say it. As I said, I did not hear him that day. It was customary and usual before that for him to do that.

The CHAIRMAN. Then you had left the chamber and passed out into the lobby before the senate members came to the joint session? Is that it?

Mr. FARRELL. As far as I can recall. I had not seen them; I did not know whether they were there or not. It was not necessary for me to pass them. They may have been in a body in a corner on the right. There were only 33 men. Some might have been absent. It was a small group. They could have grouped in this area of space on the right where I was, which was probably 10 or 15 feet of space. My position was 15 or 20 feet north of them, facing the aisle. I sat on the aisle seat.

The CHAIRMAN. We will go into the lobby with you now. You went out into a lobby. How far, how long a distance did you pass through that lobby before you entered a room?

Mr. LITTLEFIELD. Will the chairman let him describe the room?

The CHAIRMAN. No; I want him to answer my questions.

Mr. FARRELL. What room?

The CHAIRMAN. Any room. We do not care what room. The room you entered.

Mr. FARRELL. I entered that, first, to receive my coat and hat. It is not a room, exactly. We will not call it a room. My coat and hat were in there.

The CHAIRMAN. How far was it?

Mr. FARRELL. Probably 50 or 60 feet; maybe 100. It might have been 30 or 40 feet in the lobby, and 30 feet east of it.

The CHAIRMAN. Then you were in plain view, after you left the chamber, for 150 feet, were you?

Mr. FARRELL. Yes; and farther than that when I left the building. I was in plain view.

The CHAIRMAN. Whom did you meet between leaving the chamber and reaching the cloakroom?

Mr. FARRELL. I did not meet anyone.

The CHAIRMAN. Did you speak to any person?

Mr. FARRELL. I did not.

The CHAIRMAN. Do you know of any person who saw you?

Mr. FARRELL. I do not. There was a crowd there. The senate and assembly members, 125 or 130, besides the audience, were there. I could not tell who saw me. I guess they all saw me.

The CHAIRMAN. In the lobby?

Mr. FARRELL. Oh, well, in the legislative hall.

The CHAIRMAN. I am speaking of the time between your leaving the legislative hall and reaching the cloakroom.

Mr. FARRELL. I did not notice anyone at all. I went quickly, directly.

The CHAIRMAN. Were there people there?

Mr. FARRELL. I think there were. Usually there are.

The CHAIRMAN. What character of people?

Mr. FARRELL. I could not say. The character of people that were usually there; probably were there every day.

The CHAIRMAN. To whom, if anybody, can you refer as evidence of the fact that you did pass between the hall and that cloakroom?

Mr. FARRELL. Why, Senator, I never gave that consideration. I went out. I had the privilege of going out. I did not take into consideration that it was necessary for me to observe anyone as evidence for me that I did it.

The CHAIRMAN. Then you went to the cloakroom?

Mr. FARRELL. Yes.

The CHAIRMAN. You got your hat and coat?

Mr. FARRELL. I did.

The CHAIRMAN. What was the condition of the weather that day?

Mr. FARRELL. It was in February. We usually have some nice weather in February.

The CHAIRMAN. What was the weather on that day?

Mr. FARRELL. I do not know. I needed an overcoat. The building covers quite an area.

The CHAIRMAN. You say this was in February?

Mr. FARRELL. Or March, rather. I will take it back, Senator.

The CHAIRMAN. I am inquiring as to the 4th day of March.

Mr. FARRELL. The 4th of March; yes.

The CHAIRMAN. What kind of weather was it?

Mr. FARRELL. I do not know, Senator. I have not kept any tab on the weather in the country here very much. It was cold—a usual cold day—a nice cold day. I needed an overcoat.

The CHAIRMAN. Clear?

Mr. FARRELL. I believe it was clear.

The CHAIRMAN. Was it snowing?

Mr. FARRELL. I could not say as to that.

The CHAIRMAN. Was there snow on the ground?

Mr. FARRELL. I do not know. I did not have far to go in the snow, so I did not pay any attention to it.

The CHAIRMAN. You got your hat and coat. Where did you go?

Mr. FARRELL. I went to the café.

The CHAIRMAN. Was that across the street?

Mr. FARRELL. Right opposite the capitol.

The CHAIRMAN. Across the street?

Mr. FARRELL. Across the street.

The CHAIRMAN. Did you meet anyone or see anyone on the way from the capitol to the café?

Mr. FARRELL. Did I see anyone? Why, I saw a number of persons.

The CHAIRMAN. Name some person that you saw.

Mr. FARRELL. I could not name them. They were citizens of Madison, strolling, going from place to place; some going to dinner; people going through the park.

The CHAIRMAN. You are unnecessarily elaborate in your answers, and are going away beyond the scope of the question.

Mr. FARRELL. Well, I did not know.

The CHAIRMAN. Just keep your mind on the question.

Mr. FARRELL. Well?

The CHAIRMAN. Did you meet any person that you recognized between leaving the cloakroom and reaching the restaurant?

Mr. FARRELL. No; I did not.

The CHAIRMAN. Did you speak to any person between leaving the cloakroom and reaching the restaurant?

Mr. FARRELL. I did not.

The CHAIRMAN. Did you know any person that was in the restaurant when you entered it?

Mr. FARRELL. I did not.

The CHAIRMAN. Did you know any person that entered the restaurant while you were there?

Mr. FARRELL. I did not.

The CHAIRMAN. How long were you in the restaurant?

Mr. FARRELL. Oh, possibly half an hour.

The CHAIRMAN. Did you eat a meal while you were there?

Mr. FARRELL. I ate, usually; yes. I had a good appetite that day and a good meal. It took me half an hour, probably.

The CHAIRMAN. And you paid for it?

Mr. FARRELL. I paid for it.

The CHAIRMAN. Do you know the proprietor or the clerk in the restaurant?

Mr. FARRELL. No, sir; I do not.

The CHAIRMAN. Had you eaten there before?

Mr. FARRELL. Several times.

The CHAIRMAN. How many times?

Mr. FARRELL. Oh, well, I ate in nearly all the cafés in Madison. I had a room there, rented a room, and ate at the different cafés. There are several there; and I ate one day in one and another day in another, and so on.

The CHAIRMAN. Had you frequently eaten in this café?

Mr. FARRELL. Oh, I might say frequently. While I may not have been there the day before, I might have been there two days before.

The CHAIRMAN. Did you have any acquaintance with either the waiter or the proprietor or the cashier?

Mr. FARRELL. No; I made no acquaintance with them.

The CHAIRMAN. Do you know their names?

Mr. FARRELL. I do not. I think the name of the restaurant was the Bismarck, or the Prince Henry, or something like that. It was a café.

The CHAIRMAN. What was it?

Mr. FARRELL. I can not tell, Senator. It is a café named something there. It is in the basement, under the saloon—a café, and there is a name to it; I do not know what.

The CHAIRMAN. Did you enter through the saloon, or directly from the street?

Mr. FARRELL. From the street. The entrance is on the street.

The CHAIRMAN. Through the café?

Mr. FARRELL. To the café, and—yes, the café and bar are in the same room, and there are two kinds of tables. There are small tables, and then there are settees, like. The bar is facing them.

The CHAIRMAN. Did you take a drink?

Mr. FARRELL. No, sir; I did not.

The CHAIRMAN. You went directly to the table and ordered your meal, did you.

Mr. FARRELL. Yes, sir.

The CHAIRMAN. How long a time did you occupy in eating it?

Mr. FARRELL. About half an hour.

The CHAIRMAN. Did you have your watch?

Mr. FARRELL. Oh, no! Well, I had my watch with me. Yes, I did, Senator.

The CHAIRMAN. Did you observe the time?

Mr. FARRELL. Not particularly.

The CHAIRMAN. Did you do it "unparticularly"?

Mr. FARRELL. No; not "unparticularly." I did not notice the time.

The CHAIRMAN. Why did you say "particularly"? Are there two ways of observing a watch?

Mr. FARRELL. Well, it depends upon the question of "particularly." I mean, if I was particular in wanting to know the time at that time, I would probably look at my watch.

The CHAIRMAN. Did you look at it?

Mr. FARRELL. No; I did not.

The CHAIRMAN. Did you look at a clock in the room?

Mr. FARRELL. I do not think I did.

The CHAIRMAN. You did not care what time of day it was?

Mr. FARRELL. No; I was not particular about it.

The CHAIRMAN. Do you know now what time it was, by any subsequent developments?

Mr. FARRELL. No; I do not, Senator.

The CHAIRMAN. After leaving the assembly room, when did you first learn what time of day it was?

Mr. FARRELL. What is the question? I did not grasp that.

The CHAIRMAN. Read the question, Mr. Reporter.

The reporter read as follows:

The CHAIRMAN. After leaving the assembly room, when did you first learn what time of day it was?

Mr. FARRELL. The clock in the assembly chamber was facing me; it was a large clock, I believe; and I knew that the usual time of that thing—

The CHAIRMAN. I have asked you when you first learned what time of day it was.

Mr. FARRELL. I could not describe minutely when it was—minutely when.

The CHAIRMAN. When did you first look at a clock and observe the time after leaving the assembly room?

Mr. FARRELL. I did not think I—I did not observe any time, Senator.

The CHAIRMAN. You have observed it since that time, I presume?

Mr. FARRELL. I have not observed it since.

The CHAIRMAN. Have you never observed the time of day since this occasion in 1909?

Mr. FARRELL. Yes; probably I——

The CHAIRMAN. Just answer my question, now, candidly. When did you first observe what time of day it was after you left the assembly room?

Mr. FARRELL. Well, I went to the café. I do not know that I observed any time. I can not say that I observed any time.

The CHAIRMAN. There must have come a time when you looked at some clock or watch.

Mr. FARRELL. I may have taken out my watch and looked at it, and may have not. I could not say positively now. I might that day have answered it, but I do not know to-day. I pull out my watch many a time every day. I could not tell you the next day whether I did or not.

The CHAIRMAN. It is not worth while to waste your time in reasoning about your evidence after you give it. Answer the questions.

Mr. FARRELL. I want to.

The CHAIRMAN. And let it rest on the answer.

Mr. FARRELL. All right.

The CHAIRMAN. You say you can not tell when you first observed the time after you left the assembly chamber?

Mr. FARRELL. No; I can not.

The CHAIRMAN. And that is without any limitation, between then and now?

Mr. FARRELL. Yes.

The CHAIRMAN. You can not. So you do not know what time you returned to the assembly chamber, do you?

Mr. FARRELL. Why, I returned—I did not return at all after I ate my dinner. The assembly had adjourned after the vote was taken. I did not return until the next session of the legislature of our house.

The CHAIRMAN. When was that?

Mr. FARRELL. I do not think there was any session in the afternoon. It was the next day at 10 o'clock.

The CHAIRMAN. So that you were absent from the legislative hall from a time prior to the entry of the senate on the 4th of March until 10 o'clock on the 5th of March?

Mr. FARRELL. No; I was not, Senator. I was back in the assembly chamber in the afternoon again, and in the evening. I visited the assembly chamber—it was customary for me often when there was no session in the evenings to go to the legislative hall. I was there in the afternoon of that day.

The CHAIRMAN. Whom did you see there in the afternoon?

Mr. FARRELL. In the afternoon I can not recall seeing anyone in particular. There were members there.

The CHAIRMAN. During that afternoon did you discuss with anybody the question of your absence?

Mr. FARRELL. No; I do not think I did. I can not recall that I discussed it with—well, that was on the 3d of March. Yes; I do.

The CHAIRMAN. No. That was on the 4th of March.

Mr. FARRELL. On the 4th of March, you mean, in the afternoon? No; I do not think I did, in the afternoon, of my absence. In fact—yes; I will take that back, Senator. I did not discuss it, but I was called upon by a newspaper man, to ask me why I left the chamber.

The CHAIRMAN. When was that?

Mr. FARRELL. That was on the 4th of March.

The CHAIRMAN. What time of day?

Mr. FARRELL. It was about 2 o'clock, I think; after the dinner hour—1 or 2; something of that kind.

The CHAIRMAN. It was on the 4th of March, at what time?

Mr. FARRELL. I think it was between 1 and 2; something like that; after dinner.

The CHAIRMAN. Who called on you?

Mr. FARRELL. A newspaper man; a citizen of Madison.

The CHAIRMAN. What was his name?

Mr. FARRELL. I think he represented the Milwaukee Journal.

The CHAIRMAN. Can you remember his name?

Mr. FARRELL. I think his name is Neusse.

Mr. LITTLEFIELD. How do you spell it?

Mr. FARRELL. I think it is spelled N-e-u-s-s-e.

The CHAIRMAN. Where did he call on you?

Mr. FARRELL. I was sitting in a chair at the Park Hotel, smoking a cigar, I believe, sitting down.

The CHAIRMAN. He then for the first time advised you that a Senator had been elected, did he?

Mr. FARRELL. No; he did not advise me. He asked me if I would make a statement to him as to why I was not in the joint convention.

The CHAIRMAN. Did you know that a Senator had been elected then?

Mr. FARRELL. I did.

The CHAIRMAN. How did you learn that?

Mr. FARRELL. Oh, I heard it from general reports around the capitol—around the city.

The CHAIRMAN. Did you speak to anyone about a Senator having been elected?

Mr. FARRELL. No; I did not.

The CHAIRMAN. Did you make any inquiry as to whether a Senator had been elected?

Mr. FARRELL. I did not.

The CHAIRMAN. Did anyone tell you that a Senator had been elected?

Mr. FARRELL. I heard it mentioned.

The CHAIRMAN. By whom?

Mr. FARRELL. By—I can not recall the parties' names. I heard it mentioned around the city.

The CHAIRMAN. Were you around the city during that afternoon?

Mr. FARRELL. I walked from the café around the block, two or three blocks, strolled along leisurely, and walked into the hotel.

The CHAIRMAN. Am I mistaken in understanding you to say that you returned to the legislative hall that afternoon and that evening of the 4th of March?

Mr. FARRELL. I did; I did return.

The CHAIRMAN. Did you hear there that a Senator had been elected?

Mr. FARRELL. Well, Senator, I did not hear—

The CHAIRMAN. Just answer that question as to whether you heard that a Senator had been elected.

Mr. FARRELL. I heard people discussing it; yes. I heard people discussing it.

The CHAIRMAN. Did you know who had been elected?

Mr. FARRELL. I did.

The CHAIRMAN. Who told you?

Mr. FARRELL. No one told me. I heard the parties saying "Stephenson has received the majority of votes to-day."

The CHAIRMAN. Were you on good terms with your fellow members?

Mr. FARRELL. I am usually on good terms with——

The CHAIRMAN. Were you on that occasion?

Mr. FARRELL. You mean all my fellow members? Yes; as a rule I was on good terms—what I call jovial, congenial, and sociable terms.

The CHAIRMAN. Did they show any disinclination to associate with you when you returned to the chamber that afternoon?

Mr. FARRELL. Well, Senator——

The CHAIRMAN. Just answer the question.

Mr. FARRELL. Did they show what?

The CHAIRMAN. Any disinclination to associate with you when you reentered the chamber that afternoon?

Mr. FARRELL. I would not know how to judge whether they did not want to associate with me or not, Senator; I could not answer that.

The CHAIRMAN. Did they speak to you freely?

Mr. FARRELL. Those that I usually spoke to that were there. I do not know how many were there.

The CHAIRMAN. Who spoke to you?

Mr. FARRELL. Oh, I can not recall who I spoke to; those that sat near me. I believe Assemblyman Lentz—well, I do not know who else. There were not many there.

The CHAIRMAN. Did Lentz speak to you about what had transpired in your absence——

Mr. FARRELL. No.

The CHAIRMAN. Just wait until I ask the question. You can not know what my question is until it is finished. Do not try to answer the question until it is propounded to you. Did Lentz tell you that a Senator had been elected during your absence?

Mr. FARRELL. He did not.

The CHAIRMAN. Did you have any conversation with Lentz about the election of a Senator on that day?

Mr. FARRELL. I did not.

The CHAIRMAN. Or did he speak to you about it?

Mr. FARRELL. He did not.

The CHAIRMAN. Did you speak to Mr. Overbeck during that afternoon, or did he speak to you, with reference to the election of a Senator?

Mr. FARRELL. He did not.

The CHAIRMAN. Did you speak with Mr. White during that afternoon about the election of a Senator?

Mr. FARRELL. I did not.

The CHAIRMAN. You had no conversation whatever with him?

Mr. FARRELL. No; I did not.

The CHAIRMAN. Did you hear Mr. Zimmerman make any statement during that afternoon about the election of a Senator, or about your connection with it or your failure to be connected with it?

Mr. FARRELL. No; I did not hear him.

The CHAIRMAN. Did you see Mr. Overbeck during the 4th of March, 1909?

Mr. FARRELL. I did not.

The CHAIRMAN. Did you see Mr. White during the 4th of March, 1909?

Mr. FARRELL. Yes; I think—yes, I did see Mr. White.

The CHAIRMAN. What time of day?

Mr. FARRELL. In the forenoon—possibly between 10 and 10.30—something like that—between 10 and 11.

The CHAIRMAN. Did you talk about the senatorial election?

Mr. FARRELL. I did not.

The CHAIRMAN. Did he talk to you about it?

Mr. FARRELL. He did not.

The CHAIRMAN. It was not mentioned?

Mr. FARRELL. No.

The CHAIRMAN. You were asked this question before the joint committee:

Mr. LITTLEFIELD. What page does the chairman have, please?

The CHAIRMAN. Page 4060. This question was asked you, referring to "Dick" White:

Q. Did he say anything to you that in any way tried to influence you to leave, or vote for Stephenson, or anything of that kind?—A. No; nothing.

Is that correct?

Mr. FARRELL. That is correct.

The CHAIRMAN (reading):

Q. Did you care, were you sorry, did you regret having gone out, when you found Stephenson was elected?—A. No; I never regret anything in my actions and convictions. I think, when I act I generally act right, and I am responsible for my actions.

Was that your answer?

Mr. FARRELL. It was my answer.

The CHAIRMAN (reading):

Q. You said it was on the impulse of the moment?—A. Well, it was on the impulse of the moment, getting around my state, that I was feeling in.

Is that correct?

Mr. FARRELL. That is correct, yes; that is correct, Senator. The state of my mind, I mentioned at that time; but that is "state." I think I said "the state of my mind."

The CHAIRMAN. For whom did you vote for United States Senator in the legislature?

Mr. FARRELL. I voted at all times for our Democratic candidate, Neal Brown, except on one occasion; and that occasion was when I voted for Mr. Domachowski, of Milwaukee, as a complimentary vote.

The CHAIRMAN. Did anyone at any time offer you any consideration for voting for anyone for the United States Senate during that session of the legislature?

Mr. FARRELL. Nothing, Senator; no.

The CHAIRMAN. Did anyone promise to give you anything—

Mr. FARRELL. No.

The CHAIRMAN (continuing). For voting for any person for the United States Senate?

Mr. FARRELL. No, Senator.

The CHAIRMAN. Did anyone give you, or offer to give you, anything for not voting for anyone for Senator?

Mr. FARRELL. No, Senator.

The CHAIRMAN. Did anyone offer you or give you anything for being absent or absenting yourself on the 4th of March from the joint session of the legislature of Wisconsin?

Mr. FARRELL. No, sir.

The CHAIRMAN. Did anyone ask you to absent yourself on that day from the session of the legislature?

Mr. FARRELL. No, sir.

The CHAIRMAN. It has been charged that you received money from some one as a consideration for absenting yourself from the session of the legislature on the 4th day of March, 1909. Is that true?

Mr. FARRELL. It is not.

The CHAIRMAN. Did anyone offer you any money or anything as a consideration for absenting yourself on that day?

Mr. FARRELL. They did not; no one.

The CHAIRMAN. Have you any personal acquaintance with Senator Stephenson?

Mr. FARRELL. Not any.

The CHAIRMAN. Do you know Mr. Edmonds?

Mr. FARRELL. I know him in a passing way; that is all. I am not personally acquainted with him.

The CHAIRMAN. Did you have any conversation with him on the 4th of March?

Mr. FARRELL. No.

The CHAIRMAN. Or at any time prior to the election of Senator Stephenson?

Mr. FARRELL. None.

Mr. LITTLEFIELD. Is this gentleman identified with E. A. Edmonds?

The CHAIRMAN. Yes; he knows whom I mean. There is only one Edmonds in this matter.

Then all of this talk about your having absented yourself pursuant to an agreement to do so is without any foundation whatever; is it?

Mr. FARRELL. It is.

The CHAIRMAN. Had you been absent when joint ballots were taken on other occasions during that session?

Mr. FARRELL. Yes; I think two or three times—three times before, I think.

The CHAIRMAN. Under what circumstances?

Mr. FARRELL. I was in Milwaukee here at one time; it was bad weather, and I missed a train. Another time I attended the funeral ceremonies here of one of our firemen, who was buried from one of our churches. I attended the morning services. I think they were at nine or nine-thirty. That took me out on a later train, about eleven or something, arriving at Madison after the joint convention had occurred.

The CHAIRMAN. On what other occasions were you absent?

Mr. FARRELL. At another time, owing to bad weather or something, I missed a train.

The CHAIRMAN. How many times were you absent?

Mr. FARRELL. I think three times; three or four.

The CHAIRMAN. In addition to this time on the 4th of March?

Mr. FARRELL. Yes.

The CHAIRMAN. Were you ever absent when you were in Madison other than on the 4th of March?

Mr. FARRELL. No; never.

The CHAIRMAN. Did you ever before walk out of the legislature just before a vote on the senatorial question was being taken?

Mr. FARRELL. I did not.

The CHAIRMAN. Why did you do it on this occasion?

Mr. FARRELL. Well, Senator, I felt this way: It was immaterial to me. I was sent to the legislature as a Democrat. I was very much interested in seeing our Democratic candidate elected, if possible. I considered, myself, on the 26th day of January, that Senator Stephenson was elected. During the time when Senator Blaine presented his charges—if you will permit me, Senator, I will start, first, and explain my attitude along lines which may be better for me to demonstrate the state of my mind, as to how I felt.

The CHAIRMAN. Go ahead.

Mr. FARRELL. I will go first to the Democratic resolution.

When the Democratic resolution was introduced it went to the senate, and Senator Blaine—

Senator POMERENE. What resolution do you refer to?

Mr. FARRELL. The Democratic resolution that was introduced in the house and then went to the senate.

Senator POMERENE. For what purpose?

Mr. FARRELL. For an investigation.

Mr. LITTLEFIELD. Of the Stephenson election?

Mr. FARRELL. Of the Stephenson election. Well, it was an investigation of an election. They did not specify Senator Stephenson. It was a resolution—

The CHAIRMAN. By Senator Husting?

Mr. FARRELL. No; it was introduced in the house by Assemblyman Kochler first. That resolution, I believe, was sent to the committee on elections, and lay there, I think; and Senator Blaine introduced a substitute to Senator Husting's resolution, I believe. Senator Husting introduced the resolution in the senate.

The CHAIRMAN. On January 13—Resolution No. 3?

Mr. FARRELL. Yes; that is, a joint resolution.

The CHAIRMAN. Senator Blaine's resolution was introduced on January 26?

Mr. FARRELL. Yes; that was it.

The CHAIRMAN. Thirteen days later?

Mr. FARRELL. Yes.

The CHAIRMAN. It was senate resolution No. 3?

Mr. FARRELL. Yes—Joint resolution No. 3.

The CHAIRMAN. There is the letter "S" after the number of the resolution. I do not know your manner of designating them.

Mr. FARRELL. That means "Senate."

The CHAIRMAN. Now proceed.

Mr. FARRELL. When this resolution of Blaine's was introduced in the senate, and the specific charges were made by Senator Blaine, I, myself, as a Democrat, felt at that time in reading over the charges, that I looked upon them as very serious charges; and as I was elected as a Democrat, and I wanted to be fair on all questions, whether political questions or any others, the question of Senator Stephenson at that time did not cut any figure with me. It was a question of fairness. I read the Blaine charges myself. I watched the proceedings as we went along in the assembly and senate. When the investigating committee commenced to subpoena members to the legislative halls to take their testimony, I went down myself on one or two occasions—perhaps more—and listened to the testimony. This was the testimony that Mr. Blaine's specific charges were supposed to be made in. One or two of them I looked upon—I can not recall their names; but, anyhow, one or two of them appeared to me as flimsy charges, and charges without any foundation, or any grievous charges which I may have thought serious charges of criminality. As the thing went along it appeared to me in a sense that the investigation of Senator Stephenson turned out to be more as a matter of the election of another party—as I call them, a “half-breed” Republican to be elected, and not a question of an investigation.

I will go back to this resolution. When Senator Blaine introduced this resolution in the senate, Senator Page at that time introduced a substitute amendment to that resolution; and the amendment read this way, as near as I can recall: That the investigation go back 10 years and apply to Members of the United States Senate and State officers that had been elected in the past 10 years. On that vote at that time I noted that Senator Husting and Senator Randolph voted against that amendment, which I thought was contrary to the Democratic resolution that was introduced at first. If the Democratic Party wanted an investigation, I thought the investigation ought to have proceeded along lines which would have showed if the Republican Party had been using Democratic votes and buying votes for one year, and if they had done it for the past 10 years. We would have been able to ascertain at that time whether or not there was any truth in the statements. Our resolution had no specific charges. The Democratic resolution was merely a resolution for an investigation; and in the resolution it stated specifically that the investigation applied to candidates in the past primary, and corporations. In the Blaine resolution it appeared to me that the investigation was taken out of the hands of the Democratic Party and passed into the hands of the half-breed party.

We went along on these lines; and coming up to the time when the investigation was proceeding, and every Tom, Dick, and Harry was brought out there to testify on the witness stand, “How much money did you get?” and “How much did this fellow get?” and “How much did Farrell give you?” and all that kind of stuff, it looked to me like it was a farce—particularly a farce. I realized at the time that if money was spent, and a large amount of money was spent, I believed it was wrong; but I believed, like many another man has done, that the conditions of our system here in elections do sometimes, at times, give him a chance or probably produce some way

with him that he has to spend money. It keeps him in the limelight. The primary system keeps him probably from four to six months before the people. He is in the limelight; and consequently there is more incentive for him to spend money than there would be under the old system.

I took all those matters into realization. I did not think Senator Stephenson was dishonest in trying to secure his election if he had spent money. As a matter of fairness from man to man, setting aside political opinions, I believed he ought to have got a square deal. I, as a Democrat, was naturally not interested in the election of Senator Stephenson. Yet I found that we, being in a very small minority, could not elect our own Senator; and the Senator that was elected at the primary, I thought, surely ought to be elected. Furthermore, I will state this, Senator: There was no effort made on the part of any of our men in our party to try to elect our Democratic candidate.

The CHAIRMAN. Who was that?

Mr. FARRELL. Our candidate? Neal Brown was our candidate at the primary. There was no effort made to elect him; but there were efforts made to elect, as I thought, a Half-breed Republican.

The CHAIRMAN. Who was that?

Mr. FARRELL. I do not know who it was. There were a great many of them there that looked like aspirants, Senator; I do not know how many of them—quite a number of them.

The CHAIRMAN. That is your story, is it?

Mr. FARRELL. Well, yes; on those lines, now; yes.

Senator POMERENE. Were these the reasons that kept you away from the assembly on that day?

Mr. FARRELL. Well, Senator, they were not the direct reasons. They had aided; that is, they had gotten my mind into a state of feeling that there must be something wrong.

Senator POMERENE. You understood in the morning, did you, that the election would take place on this day?

Mr. FARRELL. No; not the election. The joint convention, you mean, was to meet?

Senator POMERENE. Yes.

Mr. FARRELL. Oh, no; I did know there was an election to take place. I knew that every day.

Senator POMERENE. No; but you understood that it was expected by the friends of Mr. Stephenson that they would succeed on this day in getting a majority of the joint session?

Mr. FARRELL. Why, no; I did not, Senator. I do not see how I could conceive such a thought.

Senator POMERENE. Let us see; you had Democrats and "Half-breeds" and Social Democrats, did you?

Mr. FARRELL. Yes; in the assembly.

Senator POMERENE. And they were working in harmony, were they?

Mr. FARRELL. Well, they went out—may I be permitted to answer that question in that way?

Senator POMERENE. Just answer my question.

Mr. FARRELL. Were they working in harmony?

Senator POMERENE. Yes.

Mr. FARRELL. I can not understand that question, Senator. In harmony?

Senator POMERENE. Were they working with a view to defeating Senator Stephenson?

Mr. FARRELL. It appeared to me so.

Senator POMERENE. Had they caucused together?

Mr. FARRELL. I understood they did.

Senator POMERENE. Had you stayed out of the joint session on any other day while the balloting was going on, on this subject of the senatorship?

Mr. FARRELL. I did not; no.

Senator POMERENE. Had you been asked to do it before this day?

Mr. FARRELL. Never.

Senator POMERENE. By none of the Democrats, for the purpose of breaking up a quorum, or anything of that kind?

Mr. FARRELL. No.

Senator POMERENE. Or by anybody else?

Mr. FARRELL. No.

Senator POMERENE. And this was the first day that you had stayed out?

Mr. FARRELL. This was the first day.

Senator POMERENE. There was a good deal of excitement there at the time, was there?

Mr. FARRELL. Oh, yes; there was excitement. People were enthusiastic, and some looked serious, and others were—and so on; various kinds of appearances.

Senator POMERENE. There was a good deal of tension, was there not?

Mr. FARRELL. A good deal of attention?

Senator POMERENE. I say a good deal of tension.

Mr. FARRELL. Oh, well, there were some high-strung-looking men there, and others were different.

Senator POMERENE. What time in the morning was it when you started to your lunch?

Mr. FARRELL. I can not recall the exact minute. I went to dinner.

Senator POMERENE. It was nearly 12, was it?

Mr. FARRELL. I think probably between 12 and quarter—

Senator POMERENE. And the joint session was to begin at 12?

Mr. FARRELL. At 12 o'clock; yes.

Senator POMERENE. On all these other days when there was a joint session they began at 12?

Mr. FARRELL. Always.

Senator POMERENE. And you always delayed your lunch until after the session was over, did you not?

Mr. FARRELL. Yes, I did; when I was there. When I was not there I ate my dinner when I was away from the session.

Senator POMERENE. What reason was there for your going off to your lunch at this particular time and on this particular day?

Mr. FARRELL. Well, Senator, I think I stated before that my attitude in leaving the assembly was a matter that I was disinterested in the election.

Senator POMERENE. Your fellow-Democrats were a good deal interested in it, were they not?

Mr. FARRELL. I do not think they were as much as I was, all of them.

Senator POMERENE. They were all there but three, were they?

Mr. FARRELL. Well, it is so said—three were absent.

Senator POMERENE. And you knew that the vote was likely to be pretty close, did you not?

Mr. FARRELL. I did not, Senator.

Senator POMERENE. What is your present judgment about it? You thought it would be pretty close, did you not?

Mr. FARRELL. I did not think it was going to be. I could not ascertain that. I could not tell whether, with 133 members—

Senator POMERENE. Were you interested in ascertaining it?

Mr. FARRELL. I can not understand the question. Was I interested in ascertaining?

Senator POMERENE. Yes; were you interested in ascertaining whether it was going to be pretty close?

Mr. FARRELL. No; I was not.

Senator POMERENE. Why were you not?

Mr. FARRELL. It was immaterial to me. I went to the legislature as a Democrat, to assist a Democrat and vote for a Democrat; not to assist a Republican.

Senator POMERENE. Did you think you could assist a Democrat by staying away?

Mr. FARRELL. Well, I did not hurt him any by staying away.

Senator POMERENE. That does not answer my question. Did you think you could assist him by staying away?

Mr. FARRELL. Well, I assisted myself, morally, so far as my mind was concerned, by not—

Senator POMERENE. What do you mean by "assisting yourself morally?"

Mr. FARRELL. Why, by leaving the joint convention and going to my dinner, and not participating in any further movements of the voting.

Senator POMERENE. That is, it was a moral benefit to you to stay away from that convention; was it?

Mr. FARRELL. Well, I thought this, that the matter had got so far that I felt there was a conspiracy on hand to defeat Senator Stephenson.

Senator POMERENE. Were you aiding in the conspiracy?

Mr. FARRELL. Was I aiding? No; I was not. I went out, myself. I did not combine with anyone.

Senator POMERENE. You say there was a conspiracy to defeat him. Was there a conspiracy to elect him?

Mr. FARRELL. No; not as far as I know, there was not; nor I—

Senator POMERENE. Did you have any talk with Mr. Ramsey on this day?

Mr. FARRELL. In the afternoon I did, after the vote was taken; not in the forenoon.

Senator POMERENE. Did you have any talk with Mr. Towne on this day?

Mr. FARRELL. I did not. I did not talk to Towne.

Senator POMERENE. What time did you talk with Mr. Ramsey?

Mr. FARRELL. In the afternoon.

Senator POMERENE. What time?

Mr. FARRELL. Oh, probably between 4 and 5 in the evening over at the assembly chamber.

Senator POMERENE. Before we go to that, I will ask you this: You got your dinner, and then sauntered around the city; did you?

Mr. FARRELL. I took a stroll down the street; yes.

Senator POMERENE. Was anyone with you?

Mr. FARRELL. No.

Senator POMERENE. You were all alone?

Mr. FARRELL. All alone.

Senator POMERENE. Were you in the habit of taking strolls alone at the noon hour right after your luncheon?

Mr. FARRELL. I always took a stroll; yes.

Senator POMERENE. From whom did you first hear of the election?

Mr. FARRELL. I do not know anyone in particular that I heard it from.

Senator POMERENE. How soon did you hear of it after you had finished your lunch?

Mr. FARRELL. As I was coming out of the café, somebody was coming down, and some one said, "Stephenson was elected to-day."

Senator POMERENE. What did you say?

Mr. FARRELL. I did not say anything. He was not talking to me. The man was coming down and I was coming out. He was a stranger to me.

Senator POMERENE. Did that excite any interest in you?

Mr. FARRELL. Nothing at all; no excitement at all to me.

Senator POMERENE. Then you continued your stroll?

Mr. FARRELL. I strolled along down the street; yes.

Senator POMERENE. Where did you go?

Mr. FARRELL. I went down the street, around the block, and finally went over and sat in the hotel in a chair.

Senator POMERENE. What hotel?

Mr. FARRELL. The Park Hotel.

Senator POMERENE. Were any of the members of the general assembly there?

Mr. FARRELL. No; I did not see any—not with me.

Senator POMERENE. Did you talk with anyone upon this subject prior to the time you got to the hotel?

Mr. FARRELL. I did not.

Senator POMERENE. How long did you sit there in the hotel?

Mr. FARRELL. Oh, possibly half an hour or three-quarters of an hour.

Senator POMERENE. And then where did you go?

Mr. FARRELL. Then I strolled over to the assembly chamber.

Senator POMERENE. It was just a stroll, was it?

Mr. FARRELL. Yes; I walked leisurely right over to the capitol building.

Senator POMERENE. What did you go over to the general assembly for?

Mr. FARRELL. I have been in the habit of going to the general assembly in the afternoon.

Senator POMERENE. Was there a session in the afternoon?

Mr. FARRELL. I do not think there was that afternoon.

Senator POMERENE. Were you more interested in being there when there was no session than when there was a session to elect a United States Senator?

Mr. FARRELL. Well, Senator, I will answer that in this way: No; I was **not** any more interested either way. I was not interested either in seeing Senator Stephenson elected or not elected.

Senator POMERENE. When you got into the chamber some of your fellow members were there?

Mr. FARRELL. Some of the members were around in their seats, yes; writing.

Senator POMERENE. Who was there?

Mr. FARRELL. I do not know who; I could not say.

Senator POMERENE. Did you talk with any of them on this subject?

Mr. FARRELL. I did not.

Senator POMERENE. Did any of them speak to you?

Mr. FARRELL. Not on this subject; no.

Senator POMERENE. Were they gathered in groups around over the assembly?

Mr. FARRELL. No; they were in their desks and walking around, and I went and sat down and wrote.

Senator POMERENE. Had you had much experience before this in the election of United States Senators?

Mr. FARRELL. I was a novice; that was my first experience as a statesman, Senator.

Senator POMERENE. And your participation in the election of a United States Senator did not concern you enough to make you inquire of any of the members about this election? Do you mean to tell us that?

Mr. FARRELL. Do you mean after the election was over?

(The reporter read the pending question.)

Mr. FARRELL. That I was not interested in the election? I can not understand that question.

(The reporter again read the pending question.)

Mr. FARRELL. To inquire when, at what time, Senator—before or after the election?

Senator POMERENE. After you went back into the assembly.

Mr. FARRELL. No; I did not find it of any interest at that time.

Senator POMERENE. It did not interest you in the slightest degree?

Mr. FARRELL. Not at all.

Senator POMERENE. And no one else was interested enough to inquire of you as to why you were absent?

Mr. FARRELL. I do not know whether they were or not, Senator.

Senator POMERENE. Did they?

Mr. FARRELL. They did not come to me; no.

Senator POMERENE. How long did you stay there?

Mr. FARRELL. In the chamber?

Senator POMERENE. Yes.

Mr. FARRELL. Oh, possibly until 4.30 or 5 o'clock, maybe.

Senator POMERENE. When was it that you first heard charges about corruption and unfair means being used in this election?

Mr. FARRELL. The first time that I heard of it—you mean in my case, where I was charged?

Senator POMERENE. As to anyone.

Mr. FARRELL. When the case of Wagner occurred, and this man that was sent to State's prison was brought out to Madison to appear on the stand. I had never known or heard——

Senator POMERENE. When was that?

Mr. FARRELL. That was in April, I think.

Senator POMERENE. In April? The election took place on March 4?

Mr. FARRELL. Yes.

Senator POMERENE. Do you mean to tell us that you had not heard anything about corruption from March 4 until this man Wagner appeared, some time in April?

Mr. FARRELL. I never heard any corruption mentioned about myself. I have seen papers discuss, every day, about corruption being used, in the press; but I have never had a man come to me personally and discuss it with me.

Senator POMERENE. Did anybody ever talk with you about your staying out of the assembly on the day of this last ballot?

Mr. FARRELL. Not particularly; no.

Senator POMERENE. No one at all?

Mr. FARRELL. No. If they did, they might have said, in a jocose way: "Farrell, you walked out, I see." That is all they said.

Senator POMERENE. Did anybody talk with you that evening at the Park Hotel on this subject?

Mr. FARRELL. Not particularly about walking out. I was in the Park Hotel in the evening, before——

Senator POMERENE. Did you have any quarrel there, or excited talking with anyone on this subject?

Mr. FARRELL. I had a little talk; yes.

Senator POMERENE. With whom?

Mr. FARRELL. With Assemblyman Hughes.

Senator POMERENE. What was said between you?

Mr. FARRELL. I was censuring him about going out on the second, with the Socialists and Half-breed Republicans, and we entered into an argument.

Senator POMERENE. What did he say?

Mr. FARRELL. I do not think he said much. I think I did most of the talking.

Senator POMERENE. You did most of the talking?

Mr. FARRELL. Yes.

Senator POMERENE. Did he say anything about your staying out on that day?

Mr. FARRELL. He did not censure me about it. He started with me as I came into the hotel, and he says to me, in regard to Stephenson's election, he says: "Well, Stephenson is elected at last, and you fellows were out," or something to that effect; I can not recall just exactly the words.

Senator POMERENE. What else was said?

Mr. FARRELL. I said to him: "Hughes," I says, "The matter of Senator Stephenson and my going from that assembly does not hurt me one particle." I says: "You knew my sentiments, right along, in this case."

Senator POMERENE. Why did you say that to him?

Mr. FARRELL. Because he knew that. I told him before.

Senator POMERENE. He was finding fault with your having stayed out?

Mr. FARRELL. I was finding fault with him.

Senator POMERENE. Why were you apologizing to him for having stayed out?

Mr. FARRELL. I was not apologizing.

Senator POMERENE. Why were you explaining?

Mr. FARRELL. Because he entered into a conversation with me.

Senator POMERENE. Go ahead and tell what was said.

Mr. FARRELL. It was very short. I commenced, then, to tell him that I took care of myself; that I was responsible for my actions.

Senator POMERENE. Why did you say that to him?

Mr. FARRELL. Because he entered into words with me that I can not recall just now, but they were words that made me answer in that way.

Senator POMERENE. It made you a little angry, did it?

Mr. FARRELL. Yes; it did.

Senator POMERENE. He was questioning your motives, was he?

Mr. FARRELL. No; he was not questioning my motives.

Senator POMERENE. He was questioning your actions, then, in staying out?

Mr. FARRELL. No. He did not question my actions. He did not say to me: "Why did you go out," or censure me for staying out.

Senator POMERENE. Go ahead and tell what he did say.

Mr. FARRELL. He was talking, as I say, about Senator Stephenson being elected now, and he says to me something about "you fellows." and I went back at him this way. I says: "Hughes, don't you talk to me about 'you fellows.'" I says: "I am an individual, and I act for myself. I am morally responsible for my actions. I will take care of myself."

Senator POMERENE. What else was said?

Mr. FARRELL. He said something about—hell—— [The witness hesitated.]

Senator POMERENE. Speak out.

Mr. FARRELL. He says: "The hell you will." That is all. I wish my language to——

Mr. LITTLEFIELD. It is not your language.

Mr. FARRELL. No; it is not my language, anyhow.

Senator POMERENE. What else was said?

Mr. FARRELL. Well, about that time I think it kind of quieted down in a way. I did not prolong the thing.

Senator POMERENE. Was anything further said?

Mr. FARRELL. I do not believe there was.

Senator POMERENE. Did anybody come up to pour some oil on the troubled waters about that time?

Mr. FARRELL. Dick White came along in his usual tenor of way and invited Hughes and me to go and take a cigar, and we went with him to the bar and took a cigar.

Senator POMERENE. Where did you go then?

Mr. FARRELL. I took the cigar and went out on the street. I do not know where Dick White or Hughes went.

Senator POMERENE. Up to this time how many members of the general assembly had you seen on that day after Senator Stephenson's election?

Mr. FARRELL. I can not tell you, Senator, how many I saw.

Senator POMERENE. Had you seen a dozen?

Mr. FARRELL. On the 4th of March?

Senator POMERENE. Yes.

Mr. FARRELL. You mean, the whole assembly? Do you mean the Republicans and the Democrats?

Senator POMERENE. How many of the general assemblymen did you see on that day after Senator Stephenson had been elected?

Mr. FARRELL. How many did I see?

Senator POMERENE. Yes.

Mr. FARRELL. Well, I suppose I saw 40 or 50.

Senator POMERENE. And you were close enough to them so that they could talk with you?

Mr. FARRELL. I did not know it was necessary for me to go into any—

Senator POMERENE. I did not ask you that. Were you close enough to them so that you could talk with them or so that they could talk with you?

Mr. FARRELL. I might have, at times; yes.

Senator POMERENE. You did talk with some of them?

Mr. FARRELL. I did not talk on the election.

Senator POMERENE. Did you talk with some of them?

Mr. FARRELL. No; I do not think I had any lengthy talks. I might have bowed to them.

Senator POMERENE. Did you talk with any of them?

Mr. FARRELL. Not that I can recall, at this time.

Senator POMERENE. Did you talk with your neighbor who occupied the seat next to you, Mr. Lentz?

Mr. FARRELL. I did not.

Senator POMERENE. You sat right by him, after the election was over, in the afternoon?

Mr. FARRELL. I do not think he was there. He might have been there part of the afternoon. I do not think he was there all the afternoon. It was not a continuous session. He was in and out of the chair. He might have strolled along. I did not go into details with him.

Senator POMERENE. Let me see if I understood you. You think you had met probably 40 members of the general assembly during that afternoon?

Mr. FARRELL. I saw them. I did not meet them, Senator.

Senator POMERENE. You saw, then, 40 of your fellow members, in that afternoon, and you did not speak to one of them, and no one of them spoke to you, until Hughes spoke to you in the Park Hotel. Is that correct?

Mr. FARRELL. No; I do not say that is correct. I say I may have saluted some of them; may have met them going down the street.

Senator POMERENE. Let us be specific. Did you speak to them, or did any of them speak to you, on the subject of this election?

Mr. FARRELL. I did not; no.

Senator POMERENE. Or on the subject of your absence from the assembly room?

Mr. FARRELL. No, sir; not any.

Senator POMERENE. Did you hear any of the members discussing the absence of Ramsey?

Mr. FARRELL. I did not.

Senator POMERENE. Or of Mr. Towne?

Mr. FARRELL. I did not.

Senator POMERENE. Did you talk with either of them?

Mr. FARRELL. I did not.

Senator POMERENE. You said a moment ago that you had some talk with Mr. Ramsey?

Mr. FARRELL. In the afternoon, yes; between 4 and 5 o'clock. Mr. Ramsey was chairman of a committee, and was coming from the committee room, and I met him, and he told me he was paired. He and I spoke, and he said he was paired.

Senator POMERENE. He said he was paired for what?

Mr. FARRELL. That day; that he was out. He came from the committee room, and he was going up into the assembly; and he was the only one that I spoke to.

Senator POMERENE. This was on the afternoon of the day that Senator Stephenson was elected, was it?

Mr. FARRELL. Yes; certainly. That was the afternoon, and there was a committee meeting.

Senator POMERENE. What was said?

Mr. FARRELL. I met him, and he spoke to me, as he was coming through, about the election that day.

Senator POMERENE. What did he say?

Mr. FARRELL. He said: "I was paired." I never knew he was out.

Senator POMERENE. What else was said?

Mr. FARRELL. That is about all.

Senator POMERENE. He said he was paired for what?

Mr. FARRELL. He said he was paired on the vote for the United States Senatorship.

Senator POMERENE. Did he say with whom?

Mr. FARRELL. Yes; he said he was paired with a man named Fenelon.

Senator POMERENE. What called forth this remark from Mr. Ramsey.

Mr. FARRELL. When I met him, he said something about Stephenson being elected to-day; that he had received a majority of the votes.

Senator POMERENE. What did you say to that?

Mr. FARRELL. I says: "So I see, on the street, around." I heard it before this. I told him I heard it before that, on the streets, around.

Senator POMERENE. This was about 5 o'clock in the evening?

Mr. FARRELL. Between 4 and 5 o'clock; half past 4 or 5 o'clock, or something like that. He was at a committee meeting, or something—

Senator POMERENE. What else did you say to him?

Mr. FARRELL. I did not say any more.

Senator POMERENE. Did you say to him that you were absent?

Mr. FARRELL. No. I think I told him I walked out. I says: "I walked out." I says: "I left it." I says: "I left the assembly."

Senator POMERENE. Did you tell him why you had walked out?

Mr. FARRELL. No.

Senator POMERENE. Did you tell him you were disgusted with the situation, and therefore walked out?

Mr. FARRELL. I do not think I told him that way. I said it this way, I think: "Well, I got tired of it, and walked out." I used those words, I think, or something like that.

Senator POMERENE. Did you tell your party associates that you were getting tired of this, before the election of Senator Stephenson?

Mr. FARRELL. Ramsey and I talked it over once or twice. He was an associate of mine.

Senator POMERENE. Ramsey and you?

Mr. FARRELL. Yes.

Senator POMERENE. When did you talk about it?

Mr. FARRELL. A week or two weeks before the day Senator Stephenson was elected.

Senator POMERENE. Well, are you going to have it a week or two weeks or three weeks before?

Mr. FARRELL. Two weeks or three weeks. Two weeks or three weeks, maybe.

Senator POMERENE. What was said, then?

Mr. FARRELL. We went along the lines I described a short while ago, in regard to the investigation; and we talked over Senator Stephenson's election.

Senator POMERENE. Tell us what was said.

Mr. LITTLEFIELD. Who was this conversation with?

Senator POMERENE. It was with Ramsey.

Mr. FARRELL. With Ramsey; yes.

We spoke about the election on January 26, and I says to Tom: "Tom," I says, "Senator Stephenson, according to my mind——"

Mr. LITTLEFIELD. You know, Senator, that Ramsey is dead?

Senator POMERENE. Yes.

Mr. FARRELL. "According to my mind, and the way I have read the rule on the proceedings governing the election of a United States Senator, and the arguments I have heard on the floor of the house, I consider Senator Stephenson elected." I says: "This investigation is proceeding along lines that do not appear to me as though there was anything in it; and it is delaying legislation." Ramsey was chairman, or at least he was a member of the committee on cities, and there was quite a good deal of legislation for Milwaukee at that time; and it became quite tiresome to be up there and have no business being done. I said to him at that time, I says: "I wish this matter was settled."

Senator POMERENE. Did you talk with any other member of the Democratic side of the House, or of the Senate, on this subject?

Mr. FARRELL. No; only Ramsey.

Senator POMERENE. Just Ramsey and you?

Mr. FARRELL. Just Ramsey, Senator.

Senator POMERENE. Where did you have this talk?

Mr. FARRELL. I had the talk at Madison with him, in the evening, sitting down talking.

Senator POMERENE. Did you talk with Mr. Towne on the subject?

Mr. FARRELL. I never talked to Towne on the subject.

Senator POMERENE. Do I understand that, though you were in this frame of mind, and had been in this frame of mind which you have described, from the time that you talked with Ramsey until March 4, and notwithstanding the fact that you were in daily association with

your Democratic members you never talked with any of them on that subject?

Mr. FARRELL. Well, Ramsey and I were friends.

Senator POMERENE. Just answer my question. Did you talk with any of those other members?

Mr. FARRELL. I can not remember of talking to any of the other members about it—I take it back, Senator; except the time of the argument with Hughes, as I have stated before.

Senator POMERENE. I was referring to the time preceding the election.

Mr. FARRELL. Oh! All right.

Senator POMERENE. You never talked with any of your Democratic fellow members?

Mr. FARRELL. No.

Senator POMERENE. Except Ramsey?

Mr. FARRELL. Except Ramsey; in that line.

Senator POMERENE. And you absented yourself from this joint session without telling any of your Democratic colleagues that you were going to so do?

Mr. FARRELL. Yes.

Senator POMERENE. Explain why.

Mr. FARRELL. Because the Democratic members that absented themselves on the Monday following did not ask me if they could go out or tell me they were going out.

Senator POMERENE. If they were derelict in their duty, did that excuse you?

Mr. FARRELL. They were more derelict than I was, because they did it as a body and because they assumed——

Senator POMERENE. They went out as a body?

Mr. LITTLEFIELD. Will you let him finish, please, Senator?

Senator POMERENE. Certainly. Finish your answer.

Mr. FARRELL (continuing). They assumed to form, as I called it, a combination with the Socialists and Half-breeds and Democrats, whereas I left as an individual. I made no effort to secure anyone to aid me in disturbing the proceedings of the convention.

Senator POMERENE. Did they not ask you to go out with them?

Mr. FARRELL. They did not.

Senator POMERENE. Did you go out with them?

Mr. FARRELL. I did not.

Senator POMERENE. You stayed in the joint session?

Mr. FARRELL. I did. I stayed in.

Senator POMERENE. And then, in order to pay them back in their own coin, you thought you would not say anything to them. Is that right?

Mr. FARRELL. I did not say that.

Senator POMERENE. That was your thought, was it?

Mr. FARRELL. It was not.

Senator POMERENE. What was your thought?

Mr. FARRELL. You mean——

Senator POMERENE. About not advising your Democratic fellow members of your proposed action?

Mr. FARRELL. We had a leader there, and he was supposed to do the advising.

Senator POMERENE. Who was your Democratic leader?

Mr. FARRELL. He was supposed to be John Hughes.

Senator POMERENE. Did you say anything to John Hughes about your intention of absenting yourself on that day?

Mr. FARRELL. I did not.

Senator POMERENE. Why did you not?

Mr. FARRELL. I did not know that I was going to be absent myself on that day, the day before, any more than I know what I would do to-morrow.

Senator POMERENE. But you saw him this morning, and you knew when you went away from that assembly that you were going to stay away during that ballot, did you not?

Mr. FARRELL. You mean the morning before——

Senator POMERENE. On March 4.

Mr. FARRELL. Before I went to the joint convention?

Senator POMERENE. When you went away from the assembly room.

Mr. FARRELL. Yes.

Senator POMERENE. To your lunch?

Mr. FARRELL. Yes.

Senator POMERENE. It was then your intention not to be present at the joint session of the general assembly?

Mr. FARRELL. Yes.

Senator POMERENE. That is true?

Mr. FARRELL. Yes; that is true.

Senator POMERENE. When did you come to the conclusion that you would stay away?

Mr. FARRELL. When I left. At the time I left.

Senator POMERENE. Do you mean that that was the first thought you had on the subject?

Mr. FARRELL. The first thought entered my mind at that time, when I left the assembly. I had no intention of leaving it a short while before. That minute, probably, it came to me, just like that [snapping fingers].

Senator POMERENE. What was the spirit that moved you?

Mr. FARRELL. The spirit that moved me was just like many times when a man becomes disgusted, and he will probably act on the impulse of the moment. It will not appear to his mind until a certain time.

Senator POMERENE. What was it that appeared to your mind at that time?

Mr. FARRELL. The state of my mind was such as to induce me to go out and not be mixed up with the affair.

Senator POMERENE. And Hughes was there, your leader on the floor?

Mr. FARRELL. Yes; he was there.

Senator POMERENE. Why did you not say something to him on the subject?

Mr. FARRELL. Well, he was sitting away from me. I was not near Hughes.

Senator POMERENE. That does not excuse you from not having gone over to him and letting him know of your intention, does it?

Mr. FARRELL. I thought I had the privilege, Senator, of acting on my own impulse. As I stated before, I did not think I was any more required to ask him than he was to come to me.

Senator POMERENE. You owed something to your party, did you not?

Mr. FARRELL. The party owed something to me, also.

Senator POMERENE. Did he know you were going to go away at that time?

Mr. FARRELL. He did not know it, I suppose. I do not think he did.

Senator POMERENE. Was there any reason, then, why he should come to you to inquire of you as to whether you were going away or not on that day?

Mr. FARRELL. I do not know, Senator, as there was any more occasion for me to go to him and tell him that I was going out than there was for him to come to me.

Senator POMERENE. You felt you were under no obligations to your party associates on this subject, did you?

Mr. FARRELL. I was not, to a large extent.

Senator POMERENE. And you were under no obligations to your constituency here in this city?

Mr. FARRELL. My constituents seemed perfectly satisfied with my actions.

Senator POMERENE. This was your first term?

Mr. FARRELL. It was.

Senator POMERENE. Were you a candidate for reelection?

Mr. FARRELL. I received the unanimous nomination at the primaries, without a contest.

Senator POMERENE. Were you elected?

Mr. FARRELL. I will go to that, Senator——

Senator POMERENE. Just answer my question. Were you elected the second time?

Mr. FARRELL. I did not run.

Senator POMERENE. Did somebody say "23" to you?

Mr. FARRELL. No. The legislature said "20 to 1," I think. The 20 per cent law put a good many Democrats out of business. I was going to state, Senator, how that came about, as to why I did not run.

Senator POMERENE. I think that is all.

Mr. LITTLEFIELD. Just state how it came about.

Mr. FARRELL. Do you wish me to state that, Senator?

Senator POMERENE. Certainly

Mr. FARRELL. I received the nomination at the primary, without a contest, and the legislature that I was in passed what was called a "20 per cent law;" that is, making provisions that all candidates on a ticket should receive 20 per cent of the vote cast at the primary election of the State for governor. In consequence, my constituents being unaccustomed to this new law, did not realize the fact that 20 per cent meant anything. Some of them really thought that all I needed was 20 votes. Consequently they did not come out at the primary, and we did not get the required 20 per cent of the vote out in my district. Neither did they in several districts in this county here.

I think there were five assembly districts, or four assembly districts, where there was no Democrat elected; and our candidate for the governorship barely came under the line. I think he would not have gotten 15 per cent of the votes if we had not had our United States Senator under election, to bring out the vote.

Mr. LITTLEFIELD. Did you have any opposition for the nomination in the primary?

Mr. FARRELL. No; I did not. I received the unanimous nomination.

Mr. LITTLEFIELD. Where did Mr. Hughes live?

Mr. FARRELL. He was from Dodge County.

Mr. LITTLEFIELD. Hughes did not take the responsibility of coming down here to prevent your renomination, did he?

Mr. FARRELL. No; nor any other members of the assembly.

Mr. LITTLEFIELD. No Democrat that was in the assembly took the responsibility, or assumed the responsibility of contesting your renomination?

Mr. FARRELL. No; none.

Mr. LITTLEFIELD. None of these 25 regular Democrats and Socialists—that is the correct number, is it not, in both bodies?

Mr. FARRELL. There were some irregular Democrats.

Mr. LITTLEFIELD. None of that 25 assumed the responsibility of coming down here and saying that, on account of your action in going out of the legislature on this day, your constituents, who knew you best, ought not to return you, did they?

Mr. FARRELL. Not any that I have seen.

Mr. LITTLEFIELD. Not one of them?

Mr. FARRELL. No.

Mr. LITTLEFIELD. They did not even stir up a candidate against you?

Mr. FARRELL. Yes—not the Democrats, but some of the Half-breeds tried to stir up a candidate.

Mr. LITTLEFIELD. I am talking about the Democrats.

Mr. FARRELL. No; no Democrats did.

Mr. LITTLEFIELD. No Democrats undertook to suggest even a candidate against you?

Mr. FARRELL. No.

Mr. LITTLEFIELD (continuing). As a criticism upon your conduct as a member of the legislature in 1909?

Mr. FARRELL. No.

Mr. LITTLEFIELD. I have some figures here, and I understand this to be the fact. In the first place, is it not the fact that the Democratic party, in 1908, put into its platform a plank demanding an investigation of the primary in connection with Senator Stephenson?

Mr. FARRELL. I understood that the plank did not directly mention Senator Stephenson. It mentioned the large expenditure of money by candidates in the State at that time.

Mr. LITTLEFIELD. Yes.

Mr. FARRELL. But Senator Stephenson's name was not specifically mentioned in the platform.

Mr. LITTLEFIELD. They had a resolution relating to an investigation of the primary?

Mr. FARRELL. The resolution was afterwards. They adopted that in the assembly.

Mr. LITTLEFIELD. It was in the Democratic State platform, upon which they conducted their campaign?

Mr. FARRELL. Yes.

Mr. LITTLEFIELD. And they lost out, in that election, at about three to one, did they not? That is, the popular vote was against the Democratic ticket, about three to one?

Mr. FARRELL. Yes; about that, I think.

Mr. LITTLEFIELD. When you came to get around to the election, taking Stalwarts and Half-breeds together, there were 108 Republicans, 21 regular Democrats, and four Social Democrats; making 108 Republicans as against 25 Democrats and Social Democrats. Those are substantially the figures.

The CHAIRMAN. Is counsel speaking of the legislature?

Mr. LITTLEFIELD. Yes; this very legislature of which he was a member.

I would like to ask you to state, Mr. Farrell, if you can, how, in any honorable way, 25 Democrats could produce the election of a Democratic United States Senator, with 108 Republican votes against them? I would like to know how they could do that, in any honorable way. Do you know of any way?

Mr. FARRELL. There was no possible chance of that, I think.

Mr. LITTLEFIELD. Was there any scheme on foot by the Democrats in that legislature to elect a Democrat and thus reverse the verdict of the State of Wisconsin?

Mr. FARRELL. No such effort was made.

Mr. LITTLEFIELD. Was there any scheme on foot, under the direction of Hughes, the Democratic leader, other than to elect some Republican Half-breed and defeat Senator Stephenson? Was not that the scheme?

Mr. FARRELL. It appeared to me in that light. It did appear to me in that light.

The CHAIRMAN. Is counsel nearly through with his examination?

Mr. LITTLEFIELD. Yes. I have just one or two more questions, Mr. Chairman.

Can you think of any good reason why any honest Democrat was required to stand in on a proposition to defeat Senator Stephenson by some Half-breed?

Mr. FARRELL. I would not personally, myself.

Mr. LITTLEFIELD. Was it not just as honorable for you to promote the election of Senator Stephenson, from your judgment as a legislator? Why was it not as honorable for you to select Senator Stephenson, as a Republican, as it was for Mr. Hughes, by combining with the Half-breeds and Social Democrats, to select some Half-breed Republican for a Senator?

Mr. FARRELL. I think it was the best interests of the Democratic Party to not have anything to do with the Socialists, or Half-breed Party, or the Republican Party.

Mr. LITTLEFIELD. And your understanding is that Mr. Hughes was not even trying to elect a Democrat?

Mr. FARRELL. I do not think he was. It did not appear so. (The witness was thereupon excused.)

Whereupon, at 12 o'clock and 35 minutes p. m., the subcommittee took a recess until 2 o'clock p. m.

AFTER RECESS.

At the expiration of the recess the subcommittee reassembled.

TESTIMONY OF SILAS R. TOWNE—Resumed.

The CHAIRMAN. Mr. Towne, do you know Mr. C. C. Wayland?

Mr. TOWNE. I have met the gentleman.

The CHAIRMAN. Where did you meet him?

Mr. TOWNE. In Madison.

The CHAIRMAN. Did you have a talk with him on the 4th of March, 1909?

Mr. TOWNE. Yes, sir.

The CHAIRMAN. What talk did you have with him, and where?

Mr. TOWNE. The conversation was relative to the election of a Senator, and was in the lobby of the capitol in Madison, in different parts of it.

The CHAIRMAN. What was this talk with reference to the election of a Senator?

Mr. TOWNE. He was urging the election of Mr. Stephenson.

The CHAIRMAN. To you?

Mr. TOWNE. To me.

The CHAIRMAN. Where were you? Were you in the room adjoining the assembly chamber?

Mr. TOWNE. Part of the time I was in the room, and part of the time in the corridor, and in a cloakroom part of the time, and another part of the time in a corridor.

The CHAIRMAN. Were you not sitting in the room adjoining the assembly hall talking to Mr. Wayland in regard to the plan for the election of a Senator, after they commenced to vote for a Senator on the 4th day of March?

Mr. TOWNE. Relative to the plan?

The CHAIRMAN. Yes; relative to the question of electing a Senator.

Mr. TOWNE. On the 4th of March I talked with Mr. Wayland relative to the advisability of going in or staying out.

The CHAIRMAN. I was referring more particularly to the place where you were having the conversation. Was it not in the room adjoining the assembly chamber?

Mr. TOWNE. I talked with Mr. Wayland in the corridor and in a cloakroom that was adjacent to the assembly chamber.

The CHAIRMAN. It had a glass door opening into the chamber, did it?

Mr. TOWNE. No; I think not.

The CHAIRMAN. The two houses were in joint session when you were talking to Mr. Wayland, were they not?

Mr. TOWNE. It is possible.

The CHAIRMAN. He called your attention to it, did he not?

Mr. TOWNE. I do not remember. He may or may not have done it. I do not know. It is not material, as I see.

The CHAIRMAN. You are not to pass upon the materiality of these questions. The committee will do that.

Mr. TOWNE. I see.

The CHAIRMAN. And the question is whether or not you talked with Mr. Wayland, and whether during that talk in reference to the Senatorship he called your attention to the fact that the joint session was on?

Mr. TOWNE. He may have done so.

The CHAIRMAN. Did he do it?

Mr. TOWNE. I do not know.

The CHAIRMAN. You are here under oath to know.

Mr. TOWNE. I do not know whether he did or not.

The CHAIRMAN. If he says that he called your attention to it, you have no knowledge upon which you can dispute that testimony, have you?

Mr. TOWNE. No, sir.

The CHAIRMAN. Did you talk to Mr. Wayland about absenting yourself from this meeting at which the Senator was elected?

Mr. TOWNE. I presume that was a part of the conversation, about the advisability of absenting or not absenting myself.

The CHAIRMAN. You finally concluded to absent yourself, did you?

Mr. TOWNE. No, sir.

The CHAIRMAN. You did absent yourself?

Mr. TOWNE. Well, it is a matter of record that I was not present at the roll call.

The CHAIRMAN. Then I ask you if you absented yourself.

Mr. TOWNE. I was absent.

The CHAIRMAN. During the session at which Senator Stephenson was elected?

Mr. TOWNE. I was absent.

The CHAIRMAN. You did it pursuant to the talk you had with Mr. Wayland, did you?

Mr. TOWNE. It was accidental that I was absent.

The CHAIRMAN. What constituted the accident?

Mr. TOWNE. As the saying is, I let it go by default. It was something that I did not feel concerned in at all—this election, this quarrel in the Republican Party.

The CHAIRMAN. Why were you discussing it with Mr. Wayland if you did not feel any interest in it?

Mr. TOWNE. He presented the subject to me. I did not open up the subject with him.

The CHAIRMAN. Did you agree to absent yourself in order to enable Senator Stephenson to be elected?

Mr. TOWNE. No, sir.

The CHAIRMAN. Did you absent yourself for that purpose?

Mr. TOWNE. I was absent.

The CHAIRMAN. We know you were absent. Did you absent yourself for that purpose?

Mr. TOWNE. No, sir.

The CHAIRMAN. Did anyone offer you any money—

Mr. TOWNE. No, sir.

The CHAIRMAN (continuing). To absent yourself from that session?

Mr. TOWNE. No, sir.

The CHAIRMAN. Did anyone pay you any money as a consideration for your being absent at that time?

Mr. TOWNE. No, sir.

The CHAIRMAN. Never, at any time?

Mr. TOWNE. No, sir.

The CHAIRMAN. Did anyone promise you anything of value if you would absent yourself and not be present when the vote was taken on the 4th of March, 1909?

Mr. TOWNE. No, sir.

The CHAIRMAN. You have heard it charged that you received a bribe for that purpose, have you?

Mr. TOWNE. I have heard it.

The CHAIRMAN. When did you first hear it charged that you had been bribed to absent yourself on that occasion?

Mr. TOWNE. The first specific charge that I heard was when this man Wagner testified. I do not know what day he testified. That is the first specific charge.

The CHAIRMAN. When he testified before the investigation committee?

Mr. TOWNE. Yes, sir.

The CHAIRMAN. What do you mean by "specific charge?"

Mr. TOWNE. I meant that there were certain persons who circulated a rumor that certain members received something; but that was the only time that I ever heard of any specific charge.

The CHAIRMAN. Did you hear it charged upon the floor that you had absented yourself because you were bribed to do so?

Mr. TOWNE. On the floor of what?

The CHAIRMAN. On the floor of the legislature.

Mr. TOWNE. No, sir.

The CHAIRMAN. Did anyone charge to your face that you had been bribed to absent yourself?

Mr. TOWNE. No, sir.

Senator POMERENE. You did not see this man from Sauk County who had sent in word to you, did you?

Mr. TOWNE. I do not know who sent the word to me.

Senator POMERENE. And the first man that you saw when you went out was Wayland?

Mr. TOWNE. I do not know whether he was the first or not; but I saw Wayland.

Senator POMERENE. He was the first man that you talked with, was he?

Mr. TOWNE. I do not know; I may have talked with others. That would be very difficult for me to say.

Senator POMERENE. How long was it between the time you left the assembly room and the time you went into this cloakroom with Mr. Wayland?

Mr. TOWNE. Only a few minutes, I presume. I do not know exactly.

Senator POMERENE. Mr. Wayland met you as soon as you left the chamber, did he?

Mr. TOWNE. I think I met Wayland in the corridor west of the assembly chamber. The parlor, I believe, is south; and, as near as I remember, I went into the parlor to the south, walked around through another door, and down the corridor; and I think I met Wayland in the corridor to the west of us.

Senator POMERENE. Then you and he went into one of these cloakrooms by yourselves, did you?

Mr. TOWNE. We walked down the corridor and then turned at an angle and went into an open room, a cloakroom, and sat down.

Senator POMERENE. Was anyone else in there with you?

Mr. TOWNE. No.

Senator POMERENE. You left the chamber at 11.55. What time was it when you went into this cloakroom with Mr. Wayland?

Mr. TOWNE. I presume I went into the cloakroom a few minutes after having left the chamber.

Senator POMERENE. And just about the time the joint session was to be convened?

Mr. TOWNE. I presume so.

Senator POMERENE. You knew before you went into the cloakroom that there was to be a ballot in the joint session, did you not?

Mr. TOWNE. Yes; I knew there was to be a ballot taken that day.

Senator POMERENE. And your Democratic associates were there?

Mr. TOWNE. Why, I do not know where they were. Part of the time they were in the joint session and part of the time they were hiding somewhere.

Senator POMERENE. But I am speaking now of this particular day.

Mr. TOWNE. I do not know where they were on that particular day, because I was not there.

Senator POMERENE. Did you Democrats have some organization among yourselves?

Mr. TOWNE. The Democrats occasionally caucused themselves.

Senator POMERENE. Did you have a caucus upon this particular subject?

Mr. TOWNE. The Democrats occasionally held a caucus and talked over——

Senator POMERENE. Did you have a caucus on this particular subject?

Mr. TOWNE. I presume so.

Senator POMERENE. Yes; and you had a leader, did you—a minority leader in the House?

Mr. TOWNE. There was a certain individual that posed as minority leader.

Senator POMERENE. Had you recognized him as such?

Mr. TOWNE. I had not.

Senator POMERENE. Had the Democrats generally?

Mr. TOWNE. I think they had.

Senator POMERENE. Did you give any word to anybody else that you expected on this particular day to absent yourself?

Mr. TOWNE. No.

Senator POMERENE. Why did you not?

Mr. TOWNE. Why, I had not it in mind to absent myself. I did not consider it at all.

Senator POMERENE. That is, this was one of the things you did without even thinking on the subject? Is that it?

Mr. TOWNE. Well, I did not put it up as a matter of any great consideration; no.

Senator POMERENE. When you went into this room, what did Mr. Wayland talk to you about?

Mr. TOWNE. He talked to me about the advisability of closing up the election of the Senator.

Senator POMERENE. Just tell us what was said. Give the whole conversation.

Mr. TOWNE. Why, that would be absolutely impossible. I could not do that.

Senator POMERENE. Give it as nearly as you can.

Mr. TOWNE. He urged that——

Senator POMERENE. Just a moment, now. Let us get started right. When you went into the cloakroom, give us as nearly as you can the conversation, without any conclusions about it. Tell what you said and what he said, or the substance of what each of you said.

Mr. TOWNE. The substance of his remarks was something like this: That the election of Stephenson would be of benefit to the country in general, and he urged that I ought to participate in the election to help close the thing out.

Senator POMERENE. What did you say?

Mr. TOWNE. I told him that I hardly thought it was a part of my business to meddle with Republican politics and talk along that line; and—I presume it was with him—I remember having mentioned to somebody that it would not be good business policy for me to meddle in things of that kind.

Senator POMERENE. You said that?

Mr. TOWNE. I presume I did. I said it to somebody, and I presume it was in the conversation with Wayland.

Senator POMERENE. Did you say that to him?

Mr. TOWNE. I presume it was with him.

Senator POMERENE. Did you say anything else to him?

Mr. TOWNE. Why, I could not say exactly what I did say—all I may have said.

Senator POMERENE. Did he say anything else to you?

Mr. TOWNE. I do not know all that he may have said. He argued in the matter.

Senator POMERENE. How long were you in there?

Mr. TOWNE. I could not say; probably 20 minutes. I do not know.

Senator POMERENE. Was anything said at that time about a ballot going on?

Mr. TOWNE. There may have been. I can not remember.

Senator POMERENE. Do you not remember anything about it?

Mr. TOWNE. Why, I remember the general conversation, the trend of it; but I do not know the exact details.

Senator POMERENE. Did not Wayland say to you that there was a ballot going on then?

Mr. TOWNE. Why, he may have said so.

Senator POMERENE. What is your judgment about it?

Mr. TOWNE. Why, it is possible.

Mr. LITTLEFIELD. His recollection, you mean?

Senator POMERENE. Yes; in that sense. What is your recollection about it?

Mr. TOWNE. I do not remember whether or not he did. It is possible he did.

Senator POMERENE. Are you not able to tell us whether you have any recollection at all on the subject?

Mr. TOWNE. Purely in a general way; that is all. The details I can not remember in that particular instance.

Senator POMERENE. Can you tell us anything else?

Mr. TOWNE. About what?

Senator POMERENE. About what occurred in that conference?

Mr. TOWNE. Nothing—nothing that I can remember at the present time.

Senator POMERENE. Where were you when you first learned that the ballot was over, and that Stephenson was declared elected?

Mr. TOWNE. I think I was taking a lunch at some place north of the capitol; I do not know what place it was.

Senator POMERENE. Did you remain with Mr. Wayland during the entire time this ballot was in progress?

Mr. TOWNE. I do not know whether I did or did not; I do not know.

Senator POMERENE. Did you go into the assembly chamber to find out whether the ballot was in progress?

Mr. TOWNE. No.

Senator POMERENE. When you went out, did you expect to return to the chamber?

Mr. TOWNE. Why, I do not know whether I did, or whether I did not.

Senator POMERENE. Do you not know whether you intended to participate in the ballot on that day before you went in with Mr. Wayland?

Mr. TOWNE. No, sir; I do not know.

Senator POMERENE. Is your mind a complete blank on that subject?

Mr. TOWNE. My mind was not made up on the subject.

Senator POMERENE. But this is past. Can you not tell us now whether, when you left the chamber, you had any intention of going back to participate in the ballot?

Mr. TOWNE. It was something that I did not feel concerned in at all.

Senator POMERENE. You were sent as a representative from your county to be concerned in matters of this kind; were you not?

Mr. TOWNE. I believe I was pledged to support Neal Browne for United States Senator.

Senator POMERENE. In any event, you were there to perform the duties of a legislator?

Mr. TOWNE. Yes; yes, sir.

Senator POMERENE. Do you mean to tell us that you did not concern yourself about the election of a United States Senator at this particular time?

Mr. TOWNE. The election of a United States Senator was purely a Republican affair, there being no possibility of electing a Democrat; and I fail to see why any Democrat should concern himself in which particular Republican happened to get elected.

Senator POMERENE. That is your explanation of your absence?

Mr. TOWNE. No concern whatever.

Senator POMERENE. When did you become concerned about this?

Mr. TOWNE. Concerned about the election of a Senator?

Senator POMERENE. About this election.

Mr. TOWNE. I do not know that I have ever been very particularly concerned in the election.

Senator POMERENE. Let us see: When did you first learn that charges of corruption were made against you in connection with this election, and your staying away from the chamber?

Mr. TOWNE. The only specific charge that I ever heard of was the charge made by Wagner.

Senator POMERENE. Did you not hear it before he testified?

Mr. TOWNE. Nothing except rumor.

Senator POMERENE. Were you present when he testified?

Mr. TOWNE. I was present during part of his testimony.

Senator POMERENE. You heard what he had to say on the subject?
Mr. TOWNE. Part of it.

Senator POMERENE. How long was that after March 4?

Mr. TOWNE. I do not remember exactly what date he testified.

Senator POMERENE. Was it a couple of weeks afterwards?

Mr. TOWNE. Oh, it was probably longer than that.

Senator POMERENE. Three or four weeks?

Mr. TOWNE. I do not know just when it was.

Senator POMERENE. There had been charges made, even on the floor of the assembly, had there not, that there was something peculiar about you and your two associates having absented yourselves from the chamber?

Mr. TOWNE. I am not aware of the fact.

Senator POMERENE. Did not the newspaper men come and talk with you about it?

Mr. TOWNE. Yes; but I do not consider that "on the floor of the assembly."

Senator POMERENE. They made suggestions to the effect that you had received a consideration for staying out; did they not?

Mr. LITTLEFIELD. What does the Senator mean, please?

The CHAIRMAN. I do not think it is proper to ask a member of the committee what he means by a question.

Mr. LITTLEFIELD. Very well.

(The reporter read the pending question.)

Mr. TOWNE. Not that I remember. They merely questioned me, in my opinion, for the purpose of trying to draw out anything that they might be able to.

Senator POMERENE. Had not some of your friends said to you: "There is a good deal of nasty talk about the reason for your staying out?"

Mr. TOWNE. Why, I do not remember it. It is possible.

Senator POMERENE. Get your mind down to this. Do you not know, as a matter of fact, that there was a good deal of talk on March 4, and for some days after that, about the reason for your being absent?

Mr. TOWNE. There were lots of insinuations and jokes and stuff of that kind.

Senator POMERENE. Insinuations to the effect that there had been something corrupt or immoral in your staying away?

Mr. TOWNE. Insinuations; yes, sir.

Senator POMERENE. Did you challenge these insinuations in any way?

Mr. TOWNE. It depended on who they came from.

Senator POMERENE. You never rose in the assembly to a question of privilege to make any explanation; did you?

Mr. TOWNE. Why, I think I did at some time or other.

Senator POMERENE. When?

Mr. TOWNE. I do not remember the particular occasion. I remember that this man Hughes, who posed as the Democratic leader, was making some talk; and I think I rose to a question of privilege.

Senator POMERENE. When was that?

Mr. TOWNE. I do not remember.

Senator POMERENE. What did you say then?

Mr. TOWNE. I do not remember the exact conversation; but I remember having risen to a question of privilege.

Senator POMERENE. Though they were questioning the character of your conduct, you never at any time asked for an investigation of any kind so far as you are concerned; did you?

Mr. TOWNE. Why, I voted for an investigation, and I talked in favor of the investigation.

Senator POMERENE. I am not talking about that now. After March 4, did you at any time ask for an investigation of your conduct.

Mr. TOWNE. After March 4 there was a resolution up for consideration in the assembly for the purpose of going into the election of a Senator by the legislature, and I voted for that resolution.

Senator POMERENE. Was any resolution introduced providing specifically for an examination as to your conduct?

Mr. TOWNE. Oh, no!

Senator POMERENE. And you never asked for any, did you?

Mr. TOWNE. No.

Senator POMERENE. Did you go out of the chamber with Mr. Wayland?

Mr. TOWNE. Out of the assembly chamber?

Senator POMERENE. Yes.

Mr. TOWNE. No, sir.

Senator POMERENE. Where did you meet him?

Mr. TOWNE. Why, I think it was somewhere in the corridor west of the assembly chamber.

Senator POMERENE. Did you not say here on yesterday that you went out with Wayland?

Mr. TOWNE. No, sir.

Senator POMERENE. Did you make that statement to anyone here in the court room?

Mr. TOWNE. No, sir.

Senator POMERENE. Did you make that statement, or that statement in substance, to James A. Stone?

Mr. TOWNE. No, sir.

Senator POMERENE. Did you have any talk with Mr. Wayland about the subject of renewing a mortgage or making a loan to you?

Mr. TOWNE. I had some conversation about a mortgage on the farm.

Senator POMERENE. With Mr. Wayland?

Mr. TOWNE. I presume it was with Mr. Wayland. He asserts that it was with him. It was with somebody.

Senator POMERENE. What was said on that subject?

Mr. TOWNE. I do not remember definitely.

Senator POMERENE. When was it said?

Mr. TOWNE. Why, I presume, if it was with Wayland, it must have been said March 4.

Senator POMERENE. On the day of the final ballot?

Mr. TOWNE. It must have been, if it was with Wayland at all.

Senator POMERENE. Was it in this cloakroom?

Mr. TOWNE. Why, if it was with Wayland at all, that is the only place—

Senator POMERENE. Did you have any talk with him on the subject of negotiating another loan on your farm?

Mr. TOWNE. Why, I may have done so. I do not know.

Senator POMERENE. Was that brought up in connection with the talk about your staying away from the joint session?

Mr. TOWNE. I do not know anything about it. I merely remember having talked about the affair of the mortgage on the farm. Whether it was with Wayland, or who it was, I do not remember.

Senator POMERENE. Can you give us anything more definite as to what was said?

Mr. TOWNE. I do not remember much about it. It was a sort of a casual conversation.

Senator POMERENE. Was a loan made afterwards by Mr. Wayland or through his agency?

Mr. TOWNE. No.

Senator POMERENE. At one time, or about this time, you were talking about your being pressed for the payment of a mortgage that was on your farm, were you not?

Mr. TOWNE. I presume so.

Senator POMERENE. Did you talk about that with Mr. Wayland?

Mr. TOWNE. Why, it is possible.

Senator POMERENE. At this meeting in the cloakroom?

Mr. TOWNE. If at all, it was there.

Senator POMERENE. And did you tell him that Stone was pressing you for this payment?

Mr. TOWNE. I do not know exactly what I said about it.

Senator POMERENE. Did you say that in substance?

Mr. TOWNE. Why, it is very possible I did. I presume I did.

Senator POMERENE. Afterwards, in talking with Mr. Stone on this subject at his office in Reedsburg, he asked you why you had charged him with pressing the mortgage, and you replied, did you not, in substance: "Oh, I had to make some explanation, and I said it because I heard you were saying some things about me"? Did you say that?

Mr. TOWNE. Oh, no!

Senator POMERENE. Nothing of that kind?

Mr. TOWNE. I have not any recollection of a remark of that kind.

Senator POMERENE. You talked with a Mr. W. W. Power on this subject, did you not?

Mr. LITTLEFIELD. What name is that?

Senator POMERENE. W. W. Power.

Mr. LITTLEFIELD. Is it Power or Powell?

Senator POMERENE. P-o-w-e-r, as I have it.

Mr. TOWNE. Power?

Senator POMERENE. Yes.

Mr. TOWNE. I do not remember any such person.

Senator POMERENE. Did you not say to him, in substance, that you had reported to Wayland that you were afraid to act with "them" (meaning the friends of Mr. Stephenson) in this contest because James Stone held a mortgage and was crowding it, and that Wayland said they would take care of it? Did you say that to Mr. Power?

Mr. TOWNE. Why, I do not know any such person, and I do not remember ever having made such a remark.

Senator POMERENE. Did you say that to anyone?

Mr. TOWNE. Not with any recollection. I have no possible recollection of such a remark.

Senator POMERENE. You testified on this subject before the joint committee. I call attention (if counsel desire to follow it) to page 4042. [Reading:]

Q. Just what impression did you gain from what Mr. Wayland or some one else said to you, about your being able to obtain those loans at easy rates? Did you obtain the impression from what anyone told you that you might obtain a loan from them?—A. No. It is a matter that I have been very much worried about however, because I rather was of the opinion that the local money loaners would loan me an amount sufficient, if I could get the thing in such shape that I could take up the mortgage. Of course, the mortgage is written so that they have a double-header on me, as I might say; I have got to pay so much and can't pay only so much; so while they might demand a certain amount I couldn't demand that they take the entire loan. But if it was in such shape that I could, I have never thought but what it would be possible, unless—the only possibility I ever feared was that they might get enemies or get some cheap heeler, and pay him a little something to go to the various local loaners and disparage me somewhat; but in a fair, unbiased position I think that I could. So, therefore, this matter never really concerned me; not to such an extent that I cared to go into any bargaining or dickering or making any negotiations with anybody.

Did you say that in substance?

Mr. TOWNE. Why, I presume I did. I presume I said it.

Senator POMERENE (reading):

Q. You never have tried to secure the loan from anyone else?—A. No.

Q. Did you consider what was said to you as an inducement or promise?—A. No; I did not. I don't know whether, as I say, whether it was Wayland or who it was.

Q. Do you know whether you said anything about this at all to Mr. Wayland?—A. Well, I am not sure; if I said any of it to him I said it all to him, because I don't think the subject was mentioned more than one time to any person.

Did you so testify?

Mr. TOWNE. I presume I did.

Senator POMERENE. Have you any memory at all about it now?

Mr. TOWNE. Nothing definite; but I presume that is correct.

Senator POMERENE. I think that is all.

Mr. LITTLEFIELD. Who is this man, J. A. Stone?

Mr. TOWNE. He is an attorney in Reedsburg, Sauk County.

Mr. LITTLEFIELD. Has he any defined political proclivities?

Mr. TOWNE. Why, he is a Republican.

Mr. LITTLEFIELD. What kind of a Republican—a "Half-breed"?

Mr. TOWNE. That is the faction that he has been affiliating with, I believe.

Mr. LITTLEFIELD. He was a "Half-breed," and he was interested in defeating the election of Senator Stephenson, was he not?

Mr. TOWNE. Yes, sir.

Mr. LITTLEFIELD. You have not any doubt about that, have you?

Mr. TOWNE. No, sir.

Mr. LITTLEFIELD. And he was somewhat active therein?

Mr. TOWNE. I presume he was.

Mr. LITTLEFIELD. Is it the same J. A. Stone that wrote a letter upon which one John J. Blaine made some charges?

Mr. TOWNE. I believe it is the same Stone.

Mr. LITTLEFIELD. You think it is the same man?

Mr. TOWNE. Yes. The newspaper reports say it is the same man.

Mr. LITTLEFIELD. I will refer now to the letter out of which extracts were made, because Mr. John J. Blaine did not want anybody

to see them. I have found that letter in full, now, at page 1093. Is it the same James A. Stone that wrote this letter which Mr. John J. Blaine says was the foundation for one of his alleged charges? The letter is dated January 22, 1909, and is found on page 1093 of the testimony taken before the joint legislative committee of the State of Wisconsin:

HON. JOHN J. BLAINE,
Boscobel, Wis.

DEAR BLAINE: I note that you are taking the square position as to investigation. Bob declared in favor of it.

That is represented by an asterisk in the copy that Mr. Blaine put in. Then he goes on:

It is not an impeachment of the primary principle to demand it, but the reverse, etc.

I shall not stop to read the whole letter. I wish it incorporated in the record here to identify it.

(The letter referred to is in full as follows:)

JAN. 22, 1909.

HON. JOHN J. BLAINE,
Boscobel, Wis.

DEAR BLAINE: I note that you are taking the square position as to investigation. Bob declared in favor of it. It is not an impeachment of the primary principle to demand it, but the reverse. A verdict of a jury may be impeached on a showing of fraud or corruption. So of the judgment of any court. Fraud in any contract renders it invalid.

A thorough investigation would do much good, whatever the result. Roosevelt's doctrine of publicity as a remedy for the trust evil may well be applied here.

Do they want specific charges, or is that a bluff? The avowed "worker" for Stephenson in Sauk County was U. C. Keller, ex-clerk of court. His record is bad. On the proposition he stated to me, in the hearing of several others, that he had \$300 of Stephenson's money to spend in the primary campaign. As a cover for his work he was put on the game warden's force "without pay." This appointment was canceled, I am informed, shortly afterward. All this can be substantiated.

Another thing which would bear investigation is the subscription list of the Wisconsin Agriculturist, a paper published at Racine. Immediately after the adv. "The Grand Old Man" was published in that paper immense quantities of "sample" numbers were circulated through this part of the State. Who paid for this circulation?

Matters like this could be found in every county, I believe. I feel like congratulating you on the position you have taken and sincerely believe that your action will be approved if you press for an investigation and show up the fraud.

Truly,

JAMES A. STONE.

MR. LITTLEFIELD. Is the James A. Stone that you are speaking about this same James A. Stone?

MR. TOWNE. Yes, sir.

MR. LITTLEFIELD. So, as a matter of fact, James A. Stone, the attorney from Reedsburg, was taking a very decided interest, not only in preventing the election of Senator Stephenson, but in fomenting the prosecution of the charges? That is the same man?

MR. TOWNE. That is the same man.

MR. LITTLEFIELD. And he had been the attorney for some people who loaned you some money on a mortgage on your farm?

MR. TOWNE. Yes, sir.

MR. LITTLEFIELD. And you had had some conversation with him?

MR. TOWNE. Yes, sir.

Mr. LITTLEFIELD. In relation to that mortgage?

Mr. TOWNE. Yes, sir.

Mr. LITTLEFIELD. During that conversation, had he intimated to you that the parties who had made the loan might call it?

Mr. TOWNE. Yes.

Mr. LITTLEFIELD. Did he state anything about the circumstances under which it might be called, either directly or indirectly?

Mr. TOWNE. He said something to the effect that as I was dipping into politics, it might not be safe to continue the loan, or something of that kind.

Mr. LITTLEFIELD. That is, if you were dipping into politics, it might not be safe for them to continue the loan longer?

Mr. TOWNE. Yes, sir; something to that effect.

Mr. LITTLEFIELD. He knew you were a Democrat, did he not?

Mr. TOWNE. Yes.

Mr. LITTLEFIELD. And he knew that you knew that he was a Half-breed?

Mr. TOWNE. Yes.

Mr. LITTLEFIELD. And he knew also that you knew that he was doing the best he could to sustain these charges against Senator Stephenson and defeat his election?

Mr. TOWNE. I presume he did.

Mr. LITTLEFIELD. You have not any doubt about that, have you?

Mr. TOWNE. No doubt.

Mr. LITTLEFIELD. And under these circumstances he made this mild suggestion?

Mr. TOWNE. Yes, sir.

Mr. LITTLEFIELD. What was the amount of that loan?

Mr. TOWNE. It was \$2,800, I think.

Mr. LITTLEFIELD. What was the value of the property that secured it?

Mr. TOWNE. About \$7,000 or \$8,000.

Mr. LITTLEFIELD. Is the loan still in existence on the property?

Mr. TOWNE. Why, not to those particular persons.

Mr. LITTLEFIELD. It has been transferred, has it?

Mr. TOWNE. Yes, sir.

Mr. LITTLEFIELD. Who now holds it?

Mr. TOWNE. The State Bank of Lavalley.

Mr. LITTLEFIELD. That is the little village where you live?

Mr. TOWNE. Yes, sir.

Mr. LITTLEFIELD. And is the loan still in existence, for substantially the same sum?

Mr. TOWNE. Why, practically so. It is a little smaller.

Mr. LITTLEFIELD. That is, you have reduced it somewhat?

Mr. TOWNE. Yes; by selling off my personal property I have been able to reduce it.

Mr. LITTLEFIELD. Was the loan payable in installments?

Mr. TOWNE. You mean this original loan?

Mr. LITTLEFIELD. Yes, sir.

Mr. TOWNE. Yes; it calls for—I do not remember whether it was \$100 or \$200 payments.

Mr. LITTLEFIELD. Whatever it may be, they were payable in installments?

Mr. TOWNE. In installments; yes.

Mr. LITTLEFIELD. What was the bank that held it? Was it a bank or was it private individuals?

Mr. TOWNE. Private individuals.

Mr. LITTLEFIELD. Did you understand from Mr. Stone that they were clients of his?

Mr. TOWNE. Yes, sir.

Mr. LITTLEFIELD. Do I understand that Mr. Stone has since gotten you into his office to talk this over with you?

Mr. TOWNE. I was in his office once or twice, at least, and we talked the matter over. We had other business matters that called me to his office.

Mr. LITTLEFIELD. He is your attorney?

Mr. TOWNE. Yes; I usually consult him on legal matters.

Mr. LITTLEFIELD. Has he taken up this matter with you since then, in the office, to get any statements from you as to the circumstances under which you left or stayed out of the assembly on that day?

Mr. TOWNE. He has quizzed me in his office, on the street, in this room, and everywhere else.

Mr. LITTLEFIELD. He has been fairly busy in that direction?

Mr. TOWNE. Yes, sir.

Mr. LITTLEFIELD. His interest in this matter and in your welfare does not seem to have subsided with the election of senator, but has continued up to date?

Mr. TOWNE. Apparently.

Mr. LITTLEFIELD. Your attention was called, Mr. Towne, to a conversation that you had, I think, on the floor with a gentleman by the name of Ingram. Is this the same Ingram who was taking a prominent part as the leader of the Half-breeds in opposition to the election of Senator Stephenson?

Mr. TOWNE. Yes, sir.

Mr. LITTLEFIELD. Was that Mr. Ingram the leader of the Half-breeds, as you understood it?

Mr. TOWNE. Yes, sir.

Mr. LITTLEFIELD. Is that the same Mr. Ingram that is now the speaker of the House of Representatives of the State of Wisconsin?

Mr. TOWNE. Yes, sir.

Mr. LITTLEFIELD. You were not present this morning to hear the testimony of Mr. Leuch, I take it?

Mr. TOWNE. No.

Mr. LITTLEFIELD. So that you do not know whether it is the same Ingram to whom he referred or not? You did not hear his testimony this morning?

Mr. TOWNE. No.

Mr. LITTLEFIELD. So that you are not prepared to say whether this Ingram who talked with you is the same Ingram who conveyed misinformation to Mr. Leuch in connection with the Tilton matter?

Mr. TOWNE. There is only one Ingram in the legislature.

Mr. LITTLEFIELD. So it must be that same Ingram?

Mr. TOWNE. If the Ingram to whom you refer is connected with the legislature, he is the same man.

Mr. LITTLEFIELD. It seems that he was; so that it is the same man. I should like to have you finish the recital of the conversation that

Ingram had with you in connection with this subject matter, Mr. Ingram being the Republican leader of the Half-breeds and you being a Democrat. Tell us the rest of that conversation.

MR. TOWNE. Do you mean this particular conversation that occurred on the morning of the 4th of March?

MR. LITTLEFIELD. I do not know when it occurred, but it is the conversation in which Ingram came along and said to you: "What are you going to do to-day?" To which you replied: "We are in doubt what we will have to do to-day in order to prevent the election of Stephenson. We may have to walk out to break a quorum; we may have to stay in to prevent the election. We haven't yet decided; we will let you know in due course of time; and we would like to have you go with us, whichever way we decide to go."

And then you said: "Do you want my answer?"

Now, go ahead and finish the recital of that conversation.

MR. TOWNE. I was writing at my desk on the morning when he came along and wanted to know what I was going to do relative to staying out and breaking the quorum or staying in to prevent an election. I told him I did not know what I was going to do in the matter. He then pressed the matter in some form or other; I do not remember his exact phraseology; but I told him, in substance, that I was a Democrat; and, I said, "You fellows are talking a good deal to the effect that you have no political concern in the matter, but that you are merely trying to do something for the betterment of the Government, and that you do not care, particularly, what kind of a partisan you elect." I said, "I will make a proposition to you: If you fellows will join with the Democrats and help elect some good Democrat, you fellows can name the Democrat—select him. And if you will agree to that I will agree to stay in with you to prevent an election, or go out with you to break a quorum, or do anything honorable to prevent the election of Senator Stephenson." That was my proposition. If I could do anything for the Democratic Party and for the public in general I was willing to do it.

MR. LITTLEFIELD. What did he say? What was his answer to that?

MR. TOWNE. He said something like this:

If, by reason of this investigation, Stephenson is proven unworthy of election I will agree with you that we shall go into a joint caucus; that is, the Democrats and the Half-breeds and the Socialists; and whoever is the choice of that caucus, we will elect.

MR. LITTLEFIELD. What did you say to that proposition?

MR. TOWNE. I think I used some profanity.

MR. LITTLEFIELD. Put it right in. State just what you said.

MR. TOWNE. I think I said: "That is damned easy," or something like this: "Because you know there are about 40 Half-breeds, less than 20 Democrats, and about 4 Socialists."

MR. LITTLEFIELD. That did not appeal to you as a very shrewd proposition from the Democratic standpoint, did it?

MR. TOWNE. No; I could not see it that way.

MR. LITTLEFIELD. You thought that if the Half-breed lion and the Democratic lamb went in together they would come out with the Democratic lamb inside of the Half-breed lion?

MR. TOWNE. Yes.

MR. LITTLEFIELD. That is what you were afraid of, was it not?

MR. TOWNE. Certainly.

Mr. LITTLEFIELD. It was after that interesting proposition from Mr. Ingram that you went out of the hall, was it not?

Mr. TOWNE. Yes.

Mr. LITTLEFIELD. Mr. Towne, I should like to know whether or not it is a fact that you were elected to this assembly from a Republican district?

Mr. TOWNE. Yes, sir; from a district that is normally Republican.

Mr. LITTLEFIELD. Is it not a fact that in this very campaign when you were elected, Mr. Davidson, the Republican candidate for governor, received 1,715 votes, and Mr. Aylward, the Democratic candidate for governor, only received 1,430 votes, making a majority of 285?

Mr. TOWNE. That is about it.

Mr. LITTLEFIELD. These are my figures. They may not be precisely correct, but they are the result of my computation from the blue book.

Senator POMERENE. That is in Sauk County?

Mr. LITTLEFIELD. Yes; from this congressional district that Mr. Towne represented. This is subject to a little revision, but that is the result of my rough figuring. Is it not also a fact, Mr. Towne, that Mr. Mueller, the Republican candidate for representative against you, only received 1,461 votes?

Mr. TOWNE. That is right.

Mr. LITTLEFIELD. Something like 254 less than the Republican candidate for governor?

Mr. TOWNE. I presume that is right.

Mr. LITTLEFIELD. And that you received 1,511 votes?

Mr. TOWNE. That is the vote that I received.

Mr. LITTLEFIELD. Eighty-one more than your candidate for governor, giving you a plurality of 51 over Mr. Mueller?

Mr. TOWNE. Giving me a plurality of 50.

Mr. LITTLEFIELD. So that, in a district where the normal Republican majority was 285, you succeeded in getting elected on the Democratic ticket by a majority of about 50?

Mr. TOWNE. By a plurality of 50.

Mr. LITTLEFIELD. I will ask you this further question, Mr. Towne. Do you not know that the principal reason you were elected under these circumstances is because the Stalwart element of the Republican Party in your legislative district largely supported you?

Mr. TOWNE. I know there were certain Stalwarts who supported me.

Mr. LITTLEFIELD. Is it not true that, so far as you know, the votes that you got, that elected you in a Republican district, came largely from the Stalwart element?

Mr. TOWNE. It would be so, naturally, because my opponent was a Half-breed?

Mr. LITTLEFIELD. Your opponent was a Half-breed?

Mr. TOWNE. Yes.

Mr. LITTLEFIELD. Is it not within your knowledge that the votes that elected you, in a Republican district, came largely from the friends of Senator Stephenson?

Mr. TOWNE. I believe it.

Mr. LITTLEFIELD. You knew it at the time of the election, did you not?

Mr. TOWNE. That was my opinion.

Mr. LITTLEFIELD. And you realized it afterwards?

MR. TOWNE. That was my opinion.

MR. LITTLEFIELD. Then, as a fair proposition, did you not feel some decent sense of responsibility—a Democratic member from a Republican district—so that if it were to be a question of choice between Republicans, you would make the choice in the interests of the Republicans who made your election possible? Did you not have some feeling of that sort?

MR. TOWNE. I did feel a little that way; but, in a general way, I did not feel like dabbling in Republican Party matters.

MR. LITTLEFIELD. You did not propose to take any hand in the Republican controversy?

MR. TOWNE. Had I been a Republican, I should have voted for Senator Stephenson, certainly.

MR. LITTLEFIELD. I understand. You do not deny that, under these circumstances, you felt some sense of responsibility to the Republicans who had made your election possible. Is not that true?

MR. TOWNE. I presume I did.

MR. LITTLEFIELD. If it had been a choice between a Half-breed and Senator Stephenson, leaving out of account altogether the Democratic element, you would have felt rather bound, I take it, to support Senator Stephenson, would you not?

MR. TOWNE. If I had been a Republican I certainly would have voted for Senator Stephenson.

MR. LITTLEFIELD. You knew it was impossible to elect a Democrat, did you not?

MR. TOWNE. Certainly. It was absolutely impossible.

MR. LITTLEFIELD. This cock-and-bull scheme that Ingram put up to you did not mean the election of a Democrat, did it?

MR. TOWNE. It did not look that way to me.

MR. LITTLEFIELD. Is not that the nearest that any plan came during this whole proceeding, when this filibuster was going on, to the possible election of a Democrat?

MR. TOWNE. That is all that I saw.

MR. LITTLEFIELD. Mr. Hughes was the Democratic leader, or posed as such, as you say?

MR. TOWNE. He posed as such.

MR. LITTLEFIELD. Did Mr. Hughes ever inform you or advise you that there was the slightest prospect or expectation of the election of a Democrat in that legislature as a Senator from Wisconsin?

MR. TOWNE. I never heard of it.

MR. LITTLEFIELD. Do you know what these Democrats and Social Democrats and Half-breeds were expecting to do when they were endeavoring to prevent the election of Senator Stephenson? What did they intend to accomplish? Whom were they trying to elect, if you know?

MR. TOWNE. They never made any statement of trying to elect anyone.

MR. LITTLEFIELD. They had a combination among them, did they not?

MR. TOWNE. Yes.

MR. LITTLEFIELD. Was there not a combination between the Democrats and the Half-breeds and the Social Democrats to prevent the election of Senator Stephenson?

MR. TOWNE. Yes.

Mr. LITTLEFIELD. Did you ever learn from any member of that combination whom they expected to elect?

Mr. TOWNE. No; I asked them, different ones, at different times, but I could not gain any information.

Mr. LITTLEFIELD. You were there while this filibuster was going on?

Mr. TOWNE. Most of the time.

Mr. LITTLEFIELD. I should like to ask you, Mr. Towne, as a Democratic member of that legislature, on your responsibility as a legislator, do you think it was proper for men who were elected to vote for United States Senator to deliberately filibuster to prevent other men from electing a man to the United States Senate?

Mr. TOWNE. No.

Mr. LITTLEFIELD. You do not think that was proper?

Mr. TOWNE. No.

Mr. LITTLEFIELD. They did it, did they not?

Mr. TOWNE. They certainly did.

Mr. LITTLEFIELD. Did they not do it for a period of approximately a month?

Mr. TOWNE. A little over a month.

Mr. LITTLEFIELD. Yes; a little over a month?

Mr. TOWNE. Yes.

Mr. LITTLEFIELD. So that you are prepared to say that during more than a month this combination was deliberately engaged in a filibuster for the express purpose of defeating the will of a large majority of the Republicans and preventing the election of a candidate they favored? That is true, is it not?

Mr. TOWNE. Yes.

Mr. LITTLEFIELD. Were you in their caucuses and conferences at any time when this conspiracy was being organized and carried out?

Mr. TOWNE. At times I was. Sometimes I was not and sometimes I was. They had various meetings.

Mr. LITTLEFIELD. Did either Mr. Ingram, the leader of the Half-breeds, or Mr. Hughes, the leader of the Democrats, ever give any reason why they were thus agreeing and combining together?

Mr. TOWNE. No; nothing definite. They just indulged in sayings and platitudes.

Mr. LITTLEFIELD. Did Mr. Hughes, as the leader of this forlorn hope of the Democracy, ever give you to understand what he expected the Democrats were going to get out of this combination?

Mr. TOWNE. No; he said nothing about it.

Mr. LITTLEFIELD. You never heard anything definite about that?

Mr. TOWNE. No.

Mr. LITTLEFIELD. In addition to this mortgage on your farm, to which you have already referred, did Mr. Stone or his clients have a chattel mortgage on your stock?

Mr. TOWNE. Yes.

Mr. LITTLEFIELD. You have given the value of your farm as about \$7,000?

Mr. TOWNE. Yes.

Mr. LITTLEFIELD. How much was your stock worth?

Mr. TOWNE. About \$1,500.

Mr. LITTLEFIELD. You had, then, property of the value of about \$8,500?

Mr. TOWNE. Yes.

Mr. LITTLEFIELD. Upon which there was a total mortgage of something like \$2,000.

Mr. TOWNE. \$2,800.

Mr. LITTLEFIELD. Was the whole \$2,800 secured by a chattel mortgage, or only a part of it?

Mr. TOWNE. I think there was one note, secured by both the chattel mortgage and the real mortgage. That is my remembrance.

Mr. LITTLEFIELD. I think an extract has been read from your testimony in which it appears that this was what you call a "double-header." Do you mean by that that the mortgage was so drawn that you were required to pay certain specific installments at specific times?

Mr. TOWNE. Yes.

Mr. LITTLEFIELD. But that you had no right to pay the full amount due on the mortgage and redeem the whole mortgage. Is that it?

Mr. TOWNE. That is right.

Mr. LITTLEFIELD. How much did you reduce the mortgage by the sale of some of your stock or personal property?

Mr. TOWNE. In the meantime I increased it to \$3,000, and then, after having sold off this personalty to which I have referred, I reduced it to \$2,600.

Mr. LITTLEFIELD. Then the mortgage was increased from \$2,800 to \$3,000?

Mr. TOWNE. Yes.

Mr. LITTLEFIELD. And subsequently reduced from \$3,000 to \$2,600?

Mr. TOWNE. Yes.

Mr. LITTLEFIELD. By the sale of some stock?

Mr. TOWNE. Yes.

Mr. LITTLEFIELD. What kind of stock was it?

Mr. TOWNE. Ordinary farm personal property, cattle, and machinery.

Mr. LITTLEFIELD. When?

Mr. TOWNE. When did I sell my personalty?

Mr. LITTLEFIELD. Yes; and reduce the mortgage to \$2,600?

Mr. TOWNE. The 30th of last November.

Mr. LITTLEFIELD. Do you remember the amount for which your buildings were insured?

Mr. TOWNE. I believe my barn was insured for \$850 and my house for \$700, or something like that.

Mr. LITTLEFIELD. Did the mortgage that was held by Mr. Stone's clients remain with them until last November, or had it been transferred before that?

Mr. TOWNE. It had been transferred before that.

Mr. LITTLEFIELD. When did you negotiate the loan with your bank in Lavallo to take the place of the loan by Mr. Stone's clients?

Mr. TOWNE. It will be two years in December.

Mr. LITTLEFIELD. That is, it was in December, 1909?

Mr. TOWNE. Yes.

Mr. LITTLEFIELD. That is all, Mr. Towne.

The CHAIRMAN. Mr. Towne, you know Mr. C. C. Wayland?

Mr. TOWNE. I have met him.

The CHAIRMAN. Before the Senate investigation committee, Mr. Wayland was a witness and testified on April 16, 1909. His testimony is recorded at page 140 and following pages. (Senate Journal.)

Mr. Wayland, having been interrogated as to other matters, is asked in regard to the occurrences at Madison on March 4:

Did you talk with Mr. Towne?

To which he answered:

Yes, sir.

Then this testimony follows:

Q. Did you talk with him on the day Stephenson was elected?—A. On the day we ratified the election of Stephenson; yes.

Q. I will be careful to speak of it as the "ratification." You were talking to him when the ratification took place, weren't you?—A. Yes, sir; I was.

Q. Where did you have him?—A. Well, you see there is—I don't know whether you know where the place is. There is a cloakroom at the end of the hall. I better describe where we started, first, so I won't have to go back to it. I was out in the—I asked the sergeant-at-arms to call him out; that was 11 o'clock; and they had some vote up there, and he didn't come out until about five minutes to 12, I think. I stood in the back hall that runs back of the assembly room, and John Hughes came out and, laughing, says: "Now, Wayland, be careful." And the fellows began to peep around the different doors and I said: "Now, Towne, if we are going to talk without being interrupted, let's step into some room." And there is a cloakroom at the end of this hall that has a large glass door, and we stepped in there and sat down. We were in plain sight.

Was that testimony true, or substantially true?

Mr. TOWNE. I do not think it is exactly correct.

The CHAIRMAN. Is it substantially true?

Mr. TOWNE. A part of it is true.

The CHAIRMAN. What part of it is not true?

Mr. TOWNE. I do not think it is true about the location where we engaged in conversation; and I do not think the exact conversation is true.

The CHAIRMAN. Mr. Wayland will follow you on the witness stand, and I am giving you an opportunity, now, to know what he will testify. [Continuing reading:]

Q. This was five minutes to 12?—A. That is when we started. It was 12 o'clock when we were in there.

Q. 12 o'clock the vote was to take place?—A. Yes; and we were there.

Is that true?

Mr. TOWNE. I do not know the exact minutes and hours, but it was around 12 o'clock that we were talking in the cloakroom.

The CHAIRMAN (continuing reading):

Q. Well, go on.—A. Well, I asked Mr. Towne if he was going to stay in that day. I had been told by one of the Democrats that they intended to go in, and after they got nicely seated, and they would count noses, then they would bolt; break the quorum.

Q. Who was that Democrat?—A. Kneen. I asked Kneen, and he says, "We are going to bolt on you to-day the same as we did Monday." They usually told me what they were going to do, and laughed about it. I asked Towne whether he was going in or out.

Q. You had just called him out?—A. Well, this voting had not commenced at that time. The senators, I believe, were just coming in.

Does that refresh your memory as to where you were when the senators came in?

Mr. TOWNE. I do not know exactly where I was when the senators came in, but I was in the Capitol Building somewhere; I presume in the cloakroom or corridors.

The CHAIRMAN. Were you talking with Mr. Wayland?

Mr. TOWNE. I presume I was talking with him.

The CHAIRMAN (continuing reading):

Q. You called him out at 5 minutes to 12 and asked him whether he was going in or out?—A. You asked me what occurred in this room, and I am telling it now. I asked him if they bolted if he was going to go in and help keep the quorum, or stay out and spoil the quorum? He said to me that he had gotten sick of the way things were going, everything was being tied up, and it didn't make much difference; and he says "If I stay out to-day, why they will say I am bribed, and if a fellow stays in and keeps up the quorum they will say I am bought, and I will get besmirched either way here."

You made that statement to him, did you?

Mr. TOWNE. I may have made it. I presume I did.

The CHAIRMAN. He continues, quoting what he said to you:

"Well," I says, "I realize that; that is kind of a bad situation. I appreciate what they will say, but," I says, "they will lie about it anyway." And then he says, "There is another thing that is bad." He says, "I borrowed some money from Jim Stone's client and I am building a house——"

Was that true? Did you say that to him?

Mr. TOWNE. I presume I said it.

The CHAIRMAN. Then he was interrupted by a question:

Q. Did he tell you who that client was?—A. He told me, but I don't remember the name.

Q. Did he tell you "Jim Stone's client?"—A. He said he got it through Jim Stone, his client. He borrowed it from Jim Stone's client.

That was the money you referred to a little while ago here? That was the same transaction?

Mr. TOWNE. Yes.

The CHAIRMAN (continuing reading):

Q. You don't know what the name of this mysterious person is?—A. It is on the—I don't know. He told me at that time.

Q. On the what?—A. On the mortgage.

Q. Did he show you the mortgage?—A. No.

Q. Did he show you any paper?—A. Nothing; no paper. He told me who the man was.

Q. Go on.—A. He says, "I am liable to get into trouble by staying out, if the election should occur to-day, because," he says, "I wasn't to make a payment if I put on improvements on the farm." He says, "I am building a house, and I didn't want to make the payment, and I went to see Jim Stone and told him I didn't want to make the payment." He said, "I guess you will have to; my client thinks you are mixing up too much in politics." He says—he also took this chattel mortgage, and he says, "You see he could sell me out by saying I didn't feel secure; that would put me in bad shape."

You made that statement to him, I suppose?

Mr. TOWNE. Why, it is possible.

The CHAIRMAN (continuing reading):

And I think I told him, I replied, "I don't think he would do anything as raw as that. He might talk to you, but I don't believe he would hardly dare to foreclose on you; it would create such indignation; and I am sure if he did you could get another loan, if you had security."

'Then you go on to state about the loan being payable not as a whole. I will pass that question of the loan. You have already explained that. I continue to read, on page 142 of the Senate Journal:

He says, "Well, I told this—Ingram came to me, and," he says, "I put it up to Ingram." I says, "Now, Ingram, will you vote for a Democrat if Stephen is discredited before the committee; if the investigation shows he is discredited?" and Ingram says to me, "No; I wouldn't do that." Ingram was to name the man. "But I will go into the caucus with the Democrats and Socialists;" I don't know how he designated the Republicans—and, he says, "That will be a cinch for you, because you fellows have a majority;" and he says we Democrats wouldn't get anything out of it." He says, "What is the use of hanging on here, then, to beat one Republican with another?"

You said that to him, did you?

MR. TOWNE. I do not remember that conversation.

THE CHAIRMAN. You do not deny that you said it, if it is testified to here to-day?

MR. TOWNE. I do not admit saying that to Ingram.

MR. LITTLEFIELD. This is a conversation with Wayland.

THE CHAIRMAN. You were talking to Wayland.

MR. TOWNE. I do not think I used that exact language, but then the substance, probably.

THE CHAIRMAN. This is another man testifying to what language you used; so that it may vary some.

MR. TOWNE. Oh; I see.

THE CHAIRMAN. The substance is all right, is it?

MR. TOWNE. In a general way I think the substance is correct. I did not follow it very closely.

THE CHAIRMAN. You proceed:

And I believe he remarked to me he thought one Republican was about as bad as another.

I presume you said that, possibly?

MR. TOWNE. Possibly. They all looked alike.

THE CHAIRMAN (reading):

They all looked alike to him. Well, I says—as I remember it I believe I replied, it was kind of a dirty fight, etc.

Then you go on and talk about the half-breeds, which I do not think is very material in this matter. But you did have that conversation with Mr. Wayland?

MR. TOWNE. Oh, we discussed matters like that.

THE CHAIRMAN. Now we will proceed:

Q. Towne was in this little room?—A. Yes; we were right in that room. They went by so fast you could almost play checkers on their coat tails.

He is referring to these people going by—

Q. They were looking for him?—A. I don't know whether they were looking for him. I supposed they were. I thought they were looking for Towne. I didn't rap on the glass door.

Q. Was Towne still imprisoned there when you got back?—A. Yes; he waited for me. I didn't stay very long.

He had spoken of being out of the room.

Q. He isn't there yet?—A. Well, I haven't seen him since.

Q. When did he get away? Was it before the vote was taken?—A. Well, after I stepped out and looked in I noticed the roll had been called, and I says, "Well, good-by, Towne." and I went around the door and looked in;

waited for the clerk to announce the vote. Then John Strange made his speech, and I stayed in. I didn't pay any more attention to Towne.

That would seem to recite the fact, at least, that you were in that cloakroom while the vote was being taken for the election of United States Senator on the 4th of March, would it not?

Mr. TOWNE. Why, I probably was there. I do not know whether I was or not?

The CHAIRMAN. If he testified that you were there, it would not be necessary to call you to refute his statement, would it?

Mr. TOWNE. I take it for granted that I probably was there.

The CHAIRMAN. Did you hear John Strange make his speech?

Mr. TOWNE. I do not remember.

The CHAIRMAN. That was quite a notable speech, was it not?

Mr. TOWNE. I do not know, I am sure.

The CHAIRMAN. Immediately after Stephenson's election did you not hear that speech?

Mr. TOWNE. I do not remember it.

The CHAIRMAN. Are you quite sure now?

Mr. TOWNE. I am pretty sure I did not.

The CHAIRMAN. This witness, Mr. Wayland, says:

I was kind of interested in John Strange's speech; his voice was shaking.

Q. They couldn't get him?—A. John Hughes, I think, knew where he was. John said he thought there was no use coming out after him.

That is, after you. You know John Hughes?

Mr. TOWNE. I am sorry to say I do.

The CHAIRMAN. You are sorry to say you do? What was he? A member of the legislature?

Mr. TOWNE. A member of the assembly.

The CHAIRMAN. This witness, Mr. Wayland, was asked:

Q. Did you lock the door when you went out?—A. No; I hadn't the key. I might have, if I had the key.

He says he might have locked you in that cloak room.

Q. Why did you send in for him?—A. I wanted to talk to him about—that day I wanted him to stay in, to keep a quorum.

Q. The day you called him out?—A. Yes. I figured you fellows were going to bolt. Then Kneen threw me off the track. He says, "We are going to go in and get in there, and, if anybody stays out, we think we can lick you; we will run out—we will bolt." I didn't know what to do. I thought the best thing to do was to visit with this man [referring to you] and keep him handy, and maybe I could get him to go back in and hold the quorum. I didn't know what you fellows would do.

This is the testimony that is being given by Mr. Wayland.

Q. That was after you looked in the door?—A. Well, I looked three times. I kept my eyes on you. I knew, Monday, you were going out.

Q. You had him there intending to make such use of him as you wanted to?—A. Not as I wanted. I intended to do the best I could. I didn't know what he would stand for.

That is, referring to you—

To be frank about it, it was a question—I didn't know really how the fellow did feel. I had figured that by getting up an interesting conversation with him, taking up the time, that he would stay there. I always plan, if I can—

Then the witness was interrupted. He is asked:

I thought you got him out there to get him in.—A. After I got him in there, and I found you fellows weren't going, I was very anxious to have him stay out.

He was anxious to have you stay out.

I had one eye on you most of the time. It is pretty hard to tell what you fellows would do at that time. It was pretty close. I didn't know we were going to elect. I didn't suppose it was as close as that. It was simply a mere chance that some man might change his vote.

Q. Had you talked with Mr. Towne about this before?—A. I talked with him once before. I introduced myself to him, and asked him how he felt, and talked to him quite a while, and he couldn't see where there was anything the Democrats could gain either way. He says, "We can't elect."

That is the conversation you have spoken of having with him, I suppose.

Q. Had you talked to him, or had he talked with you, about this loan on this mortgage?—A. Oh, no; that was news to me.

I read that to you in fairness, because Mr. Wayland is in attendance and will be called for the purpose of testifying as to his conversation with you on that day.

I have no further questions to ask of this witness.

Mr. LITTLEFIELD. Has Senator Pomerene any questions?

Senator POMERENE. No.

Mr. LITTLEFIELD. I will read to you the balance of what Mr. Wayland testified to on that occasion, and see whether you have any recollection of this having been said:

I asked him how much security he had. He said the loan was \$2,800, and the security was worth \$7,000.

I said, "If you have got such security as that you can get the money from almost any bank."

Q. All this time the time was going on, and the vote was going on?—A. Yes; the time was going on, and I was perfectly willing to keep up the conversation.

I says, "You can go over to the Portage Loan & Trust Co., and if you have got less than a 50 per cent loan of the valuation you can get a good loan. I bought a loan there and sold it to my brother in law in Illinois; paid 6 per cent interest on the money for five years."

He says, "You know there is a panic on."

I says, "There was a panic, but times have changed, and the banks are loaded with money, and any of the banks are perfectly willing to take a first-class mortgage. You will have no trouble."

And I says, "I don't believe he will do it."

Do you remember whether or not he made any statement like that?

Mr. TOWNE. Why, he may have made it. I do not remember.

Mr. LITTLEFIELD. You will not say he did not?

Mr. TOWNE. No; I will not say.

Mr. LITTLEFIELD. That is all.

FURTHER TESTIMONY OF CHELLIS C. WAYLAND.

CHELLIS C. WAYLAND, having been previously sworn, was recalled, and further testified as follows:

The CHAIRMAN. Mr. Wayland, where do you reside?

Mr. WAYLAND. Milwaukee.

The CHAIRMAN. What is your business?

Mr. WAYLAND. Real estate—western real estate.

The CHAIRMAN. Did you go to Madison during the Stephenson senatorial campaign?

Mr. WAYLAND. Yes, sir.

The CHAIRMAN. What do you know about a special train that was procured by some one during the campaign?

MR. WAYLAND. I did not know it at the time. I did not know it until the next day. I was in the assembly, and I heard one of the assemblymen say to Assemblyman Roeder something about "putting on considerable style, traveling by himself in a special train," and I thought it was a joke.

THE CHAIRMAN. Who is Roeder?

MR. WAYLAND. He was an assemblyman from Langlade County.

THE CHAIRMAN. Now proceed.

MR. WAYLAND. Then, the next information I had was, Mr. Black asked me if I was responsible for a special train? I told him I had not heard of it; I did not know of it until afterwards.

THE CHAIRMAN. You had charge of the Stephenson headquarters there at Madison, did you not?

MR. WAYLAND. What we called headquarters; yes, sir.

THE CHAIRMAN. Who is the Mr. Black to whom you refer?

MR. WAYLAND. Senator Stephenson's attorney.

MR. LITTLEFIELD. Did I understand Mr. Wayland to say he had charge of headquarters?

MR. WAYLAND. In the absence of Mr. Edmonds. If I may explain, the headquarters consisted of a sleeping room. There was practically nothing to it.

THE CHAIRMAN. I want to identify him with the Stephenson management at Madison.

MR. LITTLEFIELD. Yes.

THE CHAIRMAN. I do not think it is questioned that he was there at headquarters.

MR. LITTLEFIELD. It is questioned that he had charge of the headquarters. That is what I was inquiring about.

THE CHAIRMAN. I see no point in that.

MR. LITTLEFIELD. No; but if there be, we question it.

THE CHAIRMAN. Go on and tell about the special train.

MR. WAYLAND. That was all that I knew of that.

THE CHAIRMAN. Do you know whether or not a special train was hired to take any person anywhere?

MR. WAYLAND. Only that information that I had, and from reading the newspapers; that was all I knew. I was not consulted.

THE CHAIRMAN. You heard no more of it there?

MR. WAYLAND. I was not consulted on that.

THE CHAIRMAN. In view of the statement made by counsel, I will read this statement at page 126. It is the easier way to get it in the record. This witness was asked:

Were you in the employ of Senator Stephenson during his campaign before the legislature here, Mr. Wayland?—A. Well, I wasn't—not exactly in his employ. I can explain that better to you. Along January 25th Mr. Edmonds said he was going down to Madison and asked me if I didn't want to come along. I told him I didn't know as there was anything very interesting. He says: "Come along down, and I will pay your expenses." I expected to come back on the 27th. I came down on the 25th, and they were voting the 26th, I think it was, and I would come on back. Then, when I came down, the trouble started, and so I stayed; and when the time came, Friday, to go home, I said, "I guess I will go home." He said: "No, you better stay." So I stayed here off and on until after March 7th, and my expenses were paid. I got my expenses from Mr. Edmonds. I never had any conversation with Mr. Stephenson and didn't consider it employment. I got reimbursed what money I expended.

Then he goes on and tells what he got. Further down on the same page he says:

Q. What were you doing here?—A. I kept open what they called “head-quarters” while they had them.

Q. Where was that?—A. At the Park Hotel.

Now, we will proceed directly to the Towne incident, on page 141.

Did you have a talk with Mr. Towne on the 4th day of March, 1909, in regard to the senatorial election? If so, state when and where it was, and relate it.

Mr. WAYLAND. Yes, sir. It was in the capitol building. It was right near the corner of the post-office room that the conversation started.

The CHAIRMAN. In Madison, Wis.?

Mr. WAYLAND. In Madison, Wis., on March 4th. It was, as near as I can recollect, about 5 minutes of 12. Just after the assembly closed their session there was a short recess, and I asked him if I might speak to him. (This is Towne.)

The CHAIRMAN. Just a moment. This short recess was between the adjournment of the house and the coming in of the senate, was it?

Mr. WAYLAND. Yes.

The CHAIRMAN. Now proceed.

Mr. WAYLAND. He stopped, and I started to talk to him, and he—this was when Hughes came along; and, if I remember right, John laughed and said, “Now, Wayland”——

Senator POMERENE. By “John” you mean Hughes, do you?

Mr. WAYLAND. John Hughes came by. He was the Democratic floor leader of the house. Then they began to gather around; and I said, as near as I can remember, “Towne, if we are going to talk uninterrupted we will have to step into a room.” As I remember, I tried the first door. It was locked, and I think I tried the second door. That was the door into the speaker’s room, and that was locked. I said, “Well, step into this cloak room,” if I remember. It was a room at the end of the hall. There was a runway about 5 or 6 feet wide back of the assembly room; and this cloak room was used by the sergeants-at-arms for keeping their coats, just at the end of this runway, to the west of the capitol. It was a little room, probably 8 feet long and probably 4 or 5 feet wide. It had a big window and a glass door, a swinging door, which would swing either way. I presume that door was probably 4 feet wide. The glass extended from the bottom nearly to the top.

Then I began the conversation with him. I believe I told him that Assemblyman Kneen had told me that they were going to go in, and if they saw that they could beat us they were to stay in, and if they did not they would bolt; and I think I opened up the conversation about if he would stay handy?

Mr. LITTLEFIELD. If he would what?

Mr. WAYLAND. If he would stay handy.

The CHAIRMAN. What do you mean by that?

Mr. WAYLAND. I wanted him to remain close, so as to go in and build up a quorum when they marched out.

The CHAIRMAN. Or to stay out and destroy the quorum?

Mr. WAYLAND. No; I had not that in mind.

The CHAIRMAN. Proceed.

Mr. WAYLAND. I can not remember just what was the next. I can remember most of the conversation, but——

The CHAIRMAN. Perhaps we can abbreviate this somewhat by a few questions.

Mr. WAYLAND. I would rather answer the questions.

The CHAIRMAN. Had the senate come in at that time?

Mr. WAYLAND. I think they were coming up the corridor. It would be about that time.

The CHAIRMAN. That is, about the time you were talking with Towne in the cloakroom?

Mr. WAYLAND. Yes, sir.

The CHAIRMAN. Did you continue this conversation with Mr. Towne until after the senate members had entered the chamber, and the session had been commenced?

Mr. WAYLAND. Yes, sir.

The CHAIRMAN. How do you know that? Did you look into the chamber?

Mr. WAYLAND. Yes, sir.

The CHAIRMAN. Did you hear the proceedings that were going on in the chamber?

Mr. WAYLAND. I looked in to see whether they were going to go out. I think I heard the lieutenant governor give the usual disregard of the protest, or something.

The CHAIRMAN. Was the lieutenant governor presiding over the joint session?

Mr. WAYLAND. Yes, sir.

The CHAIRMAN. You heard him rule upon the protest?

Mr. WAYLAND. If I remember correctly, I did.

The CHAIRMAN. Was the door ajar, so that you could hear what was going on?

Mr. WAYLAND. No; I stepped into the hall.

The CHAIRMAN. You mean into the legislative hall?

Mr. WAYLAND. No; I stepped into the hall right at the end of this hall I am speaking of that led into the assembly chamber.

The CHAIRMAN. Could you hear readily, in that hall, what was going on in the assembly chamber?

Mr. WAYLAND. I think I stepped pretty close to the door. It was a swinging door, and you could hear what was going on.

The CHAIRMAN. Where was Mr. Towne at that time, when you stepped there?

Mr. WAYLAND. In this cloakroom.

The CHAIRMAN. Was he within hearing distance?

Mr. WAYLAND. No; I do not think he could hear.

The CHAIRMAN. You heard the presiding officer make that ruling? Then did you hear the roll called?

Mr. WAYLAND. I heard them start to vote. The roll call is the vote.

The CHAIRMAN. Yes; the vote results from the roll call. You heard that, did you?

Mr. WAYLAND. I heard it; yes.

The CHAIRMAN. And you knew that that was the vote on the election of a Senator?

Mr. WAYLAND. Yes.

The CHAIRMAN. Did you tell Mr. Towne that that vote was proceeding?

Mr. WAYLAND. Yes; I think I did.

The CHAIRMAN. What did you say to him?

Mr. WAYLAND. I believe I told him they were voting.

The CHAIRMAN. How did you express it?

Mr. WAYLAND. I can not remember my exact language. I know in substance what I said to him. I know I made it plain to him that they were still there and voting.

The CHAIRMAN. Did you tell him upon what they were voting?

Mr. WAYLAND. I do not recollect, but I presume I did.

The CHAIRMAN. You must try to recollect.

Mr. WAYLAND. Well, it is quite a while. These are conversations, and it is pretty hard to repeat them exactly.

The CHAIRMAN. Did you tell him of the ruling by the presiding officer in reference to the protest?

Mr. WAYLAND. I do not remember as to that.

The CHAIRMAN. You say you do distinctly remember telling him that the vote was in progress?

Mr. WAYLAND. I know that during the conversation I told him they were voting. I know that; yes, sir.

The CHAIRMAN. What did he say when you told him that they were voting?

Mr. WAYLAND. I do not remember that he said anything; he went right along with the conversation.

The CHAIRMAN. Did he hear you?

Mr. WAYLAND. Yes.

The CHAIRMAN. Did he indicate that he had heard you?

Mr. WAYLAND. He certainly heard me.

The CHAIRMAN. Did he give any evidence of having heard you?

Mr. WAYLAND. I do not know of anything in particular that I can recall. I know I made it plain.

The CHAIRMAN. Are you prepared to say that he heard you make the statement?

Mr. WAYLAND. I am sure he must have. I know I did not deceive him.

The CHAIRMAN. How close to him were you when you made that statement?

Mr. WAYLAND. I would have to be within about 4 feet of him. It is a small place. I remember he was sitting on a kind of a radiator or seat near the window.

The CHAIRMAN. Were you standing or sitting?

Mr. WAYLAND. I think I was standing when I made that remark.

The CHAIRMAN. What conversation was going on when you told him that they were voting on the election of United States Senator?

Mr. WAYLAND. I was discussing the contest with him, the way it was being carried on—the bolt, and the uselessness of the Democrats (if I remember rightly) holding out—they could not elect—and the factional fight. I can not remember it all.

The CHAIRMAN. What did he say?

Mr. WAYLAND. He began to tell me about this Ingram matter. He told me, if I remember correctly, that he spoke to Ingram, or Ingram to him, and he said Ingram wanted to know whether he was going to bolt or to stay in.

The CHAIRMAN. Did he say that the conversation had been that day—the 4th of March?

Mr. WAYLAND. Yes; the day we were in this room.

The CHAIRMAN. In this room?

Mr. WAYLAND. Yes, sir.

The CHAIRMAN. Was Ingram in the room?

Mr. WAYLAND. No. Towne was telling me what Ingram had said to him.

The CHAIRMAN. Where did Towne say Ingram was when he had the conversation?

Mr. WAYLAND. I do not remember now. I do not think that was told me.

The CHAIRMAN. Proceed.

Mr. WAYLAND. And he wanted to know if they would elect a Democrat, and would let them select a Democrat; and Ingram said no, but that he would go into a caucus with the Democrats and the Socialists, and—well, I do not know what they designate that Republican faction—but, anyway, the faction of the Republican Party that was attempting to beat Stephenson, and they would abide by the selection of this caucus. This would be provided Stephenson was discredited. And—I don't know—I think he said something like, "Damn fine cinch that that would be for Ingram!"

Mr. LITTLEFIELD. Who said that?

Mr. WAYLAND. Towne did; something that way.

The CHAIRMAN. Now proceed. Tell me whether or not this conversation lasted until the vote had been completed.

Mr. WAYLAND. The conversation that you have read lasted up to—I think the last I remember—yes; the vote was completed, but it had not been announced.

The CHAIRMAN. You and Towne were still in the room when the vote was completed. Did you hear the announcement? Did you hear the vote announced?

Mr. WAYLAND. I went in before they just called the last name, I think, "Z"; and I told Towne—

The CHAIRMAN. You told Towne they had called the last name?

Mr. WAYLAND. I think so.

The CHAIRMAN. Whose name was that?

Mr. WAYLAND. Zimmerman's.

The CHAIRMAN. When you told Towne that, did he make any reply?

Mr. WAYLAND. No; I do not think he did.

The CHAIRMAN. Towne was unusually silent that day, was he?

Mr. WAYLAND. No. He was carrying on a conversation about the political situation.

The CHAIRMAN. But he paid no attention to your statements. Did you speak in a distinct voice?

Mr. WAYLAND. Yes.

The CHAIRMAN. Do you think he heard you?

Mr. WAYLAND. I intended that he should.

The CHAIRMAN. Do you think he did?

Mr. WAYLAND. I think he did; yes, sir.

The CHAIRMAN. You went on to the floor and heard the vote announced?

Mr. WAYLAND. Yes.

The CHAIRMAN. Did you return to tell Towne what the vote was?

Mr. WAYLAND. No.

The CHAIRMAN. When did you next see Towne?

Mr. WAYLAND. I do not think I saw him till the next time I came down to the legislature.

The CHAIRMAN. It was all over then, was it not, when the vote was announced?

Mr. WAYLAND. Yes. I went in before the vote was announced, and the clerk was re-counting, and I think we were there pretty near four or five minutes; and I stood there figuring with the reporters what had occurred. Some said there was an election, and some said there was not.

The CHAIRMAN. That ended your talk with Towne?

Mr. WAYLAND. Yes, sir.

The CHAIRMAN. And it is immaterial what happened afterwards.

Mr. WAYLAND. Yes, sir.

The CHAIRMAN. You said something about some one making a speech when you went in.

Mr. WAYLAND. That was John Strange.

The CHAIRMAN. What was the speech about?

Mr. WAYLAND. Well, he was very much excited, and was shedding some tears at that time. He is an excitable man. He said that he hoped that everything was all right, and that they had done nothing that they would ever regret. And I know I myself was laughing at the speech. I can not remember all of it.

The CHAIRMAN. All I want to know in regard to it is whether he criticized or challenged the integrity of the election of Senator Stephenson that had just occurred.

Mr. WAYLAND. Not directly; no, sir. Senator Blaine rose with a challenge.

The CHAIRMAN. What charges, if any, did Senator Blaine make? Give me the nature of the charges?

Mr. WAYLAND. He rose to protest against the declaration of the election of Senator Stephenson at that time, for the reason——

The CHAIRMAN. On account of the investigation not having been completed?

Mr. WAYLAND. Yes, I think so, in substance. I do not remember correctly.

The CHAIRMAN. I will go directly to the point: Was the question of the absence of members raised or commented upon as a reason?

Mr. WAYLAND. No, sir; not to my knowledge.

The CHAIRMAN. There was nothing said about this occurrence of the absence of members?

Mr. WAYLAND. No, sir.

The CHAIRMAN. When did you first hear that talked about?

Mr. WAYLAND. I think that in less than 30 minutes I heard it talked about.

The CHAIRMAN. It has been said by someone that when you went through the lobby with Towne you had your arm over his shoulders, and were rather hustling him along. Is that true?

Mr. WAYLAND. No. I had my arm on his shoulder. I had it up this way [indicating]. He was listening to me, and I was talking on the way down.

The CHAIRMAN. Did he have his arm on you?

Mr. WAYLAND. No; I do not think he did.

The CHAIRMAN. You were rather absorbing his attention and rather hustling him along, were you?

Mr. WAYLAND. I was doing my best to interest him; yes, sir.

The CHAIRMAN. To get him out of the chamber and away?

Mr. WAYLAND. I know why I was hurrying.

The CHAIRMAN. Why?

Mr. WAYLAND. The time was so short, and if he was going to help build up a quorum, if he went in and they bolted he would stay, and I wanted those fellows to bolt; and the time was so short to the time when he should go in that if I did not hurry I could not tell him what I had in mind and ask him what he would do.

The CHAIRMAN. Oh, that was it?

Mr. WAYLAND. Yes, sir. I was not trying to push him down the hall.

The CHAIRMAN. It has been charged that Mr. Towne and these other members who were absent were forcibly removed or forcibly taken from the hall. Is that true?

Mr. WAYLAND. Not to my knowledge. I never forced anybody out.

The CHAIRMAN. You were there, and you would know whether or not that was so. You are the person charged with having exerted this force. Did you exert force in removing Mr. Towne from his place?

Mr. WAYLAND. Absolutely not. That is about as ridiculous as some of these other charges.

The CHAIRMAN. Did you restrain him in this cloakroom?

Mr. WAYLAND. No, sir.

The CHAIRMAN. Could he have gone out at any time?

Mr. WAYLAND. At any time; and they could have gotten him at any time.

Mr. LITTLEFIELD. What is that?

Mr. WAYLAND. They could have come in at any time.

Senator POMERENE. Did any of the other members know where he was?

Mr. WAYLAND. Yes.

Senator POMERENE. Who?

Mr. WAYLAND. I know John Hughes did; and from the information which Senator Husting gave before the investigating committee, he did. He was the man that told me I had my arm around Towne. I remember seeing him. He did not look very pleasant, either.

Senator POMERENE. You say you wanted Mr. Towne to go in the assembly room?

Mr. WAYLAND. No; I will tell you the plan that I had shortly.

Senator POMERENE. Let us hear it.

Mr. WAYLAND. I wanted these fellows to go in and count noses and find that we could beat them if one or two were out.

Senator POMERENE. Tell me who "these fellows" are?

Mr. WAYLAND. I mean the Socialist, Democratic, La Follette, Half-breed combination. That is the only way we could designate it at that time.

The CHAIRMAN. Do you mean to hyphenate those?

Mr. WAYLAND. Well, they were pretty nearly alike down there at that time. I do not mean any disrespect by that. I mean that they were in accord.

Senator POMERENE. If you mean that they were all like Democrats, it is complimentary.

Mr. WAYLAND. I do not mean any disrespect to the Democratic Party.

Senator POMERENE. Go ahead.

Mr. WAYLAND. I knew that if Mr. Towne was there he would not vote for Senator Stephenson, and they would figure they could beat us again; and my idea was to let them think that and build up a quorum, and get out. When they got out before they usually ran around the building. Some of them would go a block or two when they bolted these three times before; and I thought when they went down the hall, down the stairway, I would get Towne to go in, and we would probably get a quorum if we could. I thought that Mr. Cady, a Democrat, would stay, and a man named Hoyt, a Republican—he was voting for Senator Stephenson. I believed he would stay in there, and we could have a quorum, and we would elect Senator Stephenson. I wanted not only to elect him, but I wanted to have the pleasure of having this investigating committee caught at their own game of helping to engineer a bolt and defeat the election of a United States Senator. That was really the idea that I had. My whole work that week was to build up a quorum.

Senator POMERENE. Did you explain that situation to Mr. Towne?

Mr. WAYLAND. I think I made it plain to him because that was what I had in mind; and I was afraid, standing out in this hall explaining that, that these fellows would catch on to it and then spoil it, or I never would have stayed in the cloakroom.

The CHAIRMAN. Just about the time this ballot was completed, you say you told Mr. Towne the fact that the roll call had been completed?

Mr. WAYLAND. I did.

Senator POMERENE. Just before that you had heard the name "Zimmerman," and he was the last man on the roll?

Mr. WAYLAND. Yes; I think he was.

Senator POMERENE. Just about that time there was a good deal of excitement, was there not, with people running back and forth?

Mr. WAYLAND. The excitement was previous to that; and I think Mr. Shaffer was taking considerable time to declare the vote. Right after that I think he expected something to occur that did not occur.

Senator POMERENE. Mr. Towne was where he could see that the people were more or less excited at this time?

Mr. WAYLAND. If he had looked out he could, because they were in plain sight.

Senator POMERENE. He was in condition so that he knew that there was a joint session on?

Mr. WAYLAND. Yes, sir.

Senator POMERENE. He never made any effort to go in; did he?

Mr. WAYLAND. No, sir.

Senator POMERENE. You made no effort to restrain him?

Mr. WAYLAND. No, sir.

Senator POMERENE. You did not lock the door?

Mr. WAYLAND. No; I had not any key.

Senator POMERENE. That was the reason you did not lock it; was it?

Mr. WAYLAND. No; I would not have done that. They got me going pretty fast there. They were having a considerable time. There were three after me at one time, and I think I made a mistake in getting mad. I am careful about that; and I know that they shook their fingers under my nose, the three of them rising at one time.

Senator POMERENE. Who were those three?

Mr. WAYLAND. Senator Husting, Senator Marsh, and Senator Morris. They are all pretty good lawyers.

Senator POMERENE. Was this in the presence of Mr. Towne?

Mr. WAYLAND. What do you mean?

Senator POMERENE. When you say these three were shaking their fingers under your nose.

Mr. WAYLAND. No; that was down before the investigating committee.

Senator POMERENE. I am referring to the scene at the cloakroom.

Mr. WAYLAND. No; I had no key, nor any idea of locking the door.

Senator POMERENE. Was anybody else near while you were having any conversation with Mr. Towne?

Mr. WAYLAND. I do not know as to that. I did not see anybody when I went into the hall.

Senator POMERENE. When you told Mr. Towne that the ballot had been completed, what did he say?

Mr. WAYLAND. I do not think he said anything.

Senator POMERENE. What did he do?

Mr. WAYLAND. That I do not know. I know that I left and went right in.

Senator POMERENE. Did he indicate that he perhaps ought to go in?

Mr. WAYLAND. No, sir.

Senator POMERENE. Did you indicate that you wanted him to stay out at that time?

Mr. WAYLAND. No, sir.

Senator POMERENE. Or come in?

Mr. WAYLAND. No, sir; I left that to him.

Senator POMERENE. When he told you about the trouble he might get into by reason of this loan, did he ask you to help him in any way?

Mr. WAYLAND. No, sir.

Senator POMERENE. Did you volunteer your services?

Mr. WAYLAND. I would not call it "volunteer." I will explain what I did.

Senator POMERENE. Go ahead and explain. Give the whole conversation.

Mr. WAYLAND. When he explained to me that Mr. Stone was liable to make trouble for him. He was out at this time——

Senator POMERENE. Before going to that, so that we can get the context, state what was said immediately before that.

Mr. WAYLAND. He was discussing this Ingram matter, I think, at that time.

Senator POMERENE. You have told us about that. Take up your conversation after the Ingram matter.

Mr. WAYLAND. He said something about Mr. Stone; he was afraid he was going to get into trouble with Jim Stone. He said he had

gotten a loan from Jim Stone's client, and that there was a chattel mortgage on his stock, and that Stone would not let him have the money on the farm until he took the chattel mortgage also. It seems he had gotten that during the panic. He was afraid he would foreclose on him and take his horses. I spoke up, and I said I did not think he would do anything as raw as that; "I don't think there is any danger," or something to that effect. I can not remember it exactly. He went on to talk about the situation he was in, and I told him I did not believe he would make any trouble. I knew Stone myself, and that was the reason I was speaking as I did. I said if he did such a thing as that there would be so much indignation. I said, "You would have no trouble in getting a loan; you could get that at any bank." If I remember right, I told him he could not get it at a national bank, but he could get it at almost any State bank, and I asked him about the security and the amount of the loan. He told me it was \$2,800, and I think he valued the farm at \$7,000. He did not say anything about what he valued his stock at. I said, "If you have a loan like that, with the security, you can go to the Portage Loan & Trust Co.," and I told him about my buying a mortgage there.

Senator POMERENE. All of this talk was after you had tried to persuade him to aid the Republicans in bringing about the election of Senator Stephenson?

Mr. WAYLAND. All running right along together, within probably 10 minutes after.

Senator POMERENE. He gave as a reason why he did not want to do this—

Mr. WAYLAND. No; not why he did not want to do it. He was volunteering to me.

Senator POMERENE. He said that if he did do this he would have some difficulty with his mortgage?

Mr. WAYLAND. No; he was afraid he would get into trouble for what he had done. He spoke about his being out before, and he was afraid he was going to get into trouble. That was all in connection with everything he did in the legislature.

Senator POMERENE. Why would he get into trouble because of what had gone before?

Mr. WAYLAND. Stone told him that he was getting too active in politics, as I understand.

Senator POMERENE. This was something prior to the election, was it?

Mr. WAYLAND. It ran right along in connection with the action all through the legislature.

Senator POMERENE. There was nothing said about his getting into trouble because of what he had done in connection with the senatorial election?

Mr. WAYLAND. Not as I understand. The connection I got there was his whole acts put together. That was what he was afraid was going to make trouble.

Senator POMERENE. When did you see him after this?

Mr. WAYLAND. I think I met him about a month after that.

Senator POMERENE. Was anything said then about his staying out?

Mr. WAYLAND. No, sir.

Senator POMERENE. By neither one of you?

Mr. WAYLAND. No; I avoided that subject with him.

Senator POMERENE. Why?

Mr. WAYLAND. I thought he would be pretty sore at me. I kind of thought he would think that I had asked him to talk with me, making it interesting the way I did, and keeping up the conversation. Everybody had joked him about it since, so that I thought that he would be a little bit sore about it; and I did not care to have any further discussion about it.

Mr. LITTLEFIELD. Did you make any promise or agreement to him in connection with this mortgage?

Mr. WAYLAND. No, sir; only that I made this statement, I believe, that if they foreclosed I would tell him where he could get a loan on it.

Mr. LITTLEFIELD. Did you agree to get it for him?

Mr. WAYLAND. No, sir.

Mr. LITTLEFIELD. Did you promise to get it for him?

Mr. WAYLAND. No, sir.

Mr. LITTLEFIELD. You simply said you would tell him where you thought he could get it.

Mr. WAYLAND. Yes, sir.

Mr. LITTLEFIELD. Have you ever had any talk with him about it since?

Mr. WAYLAND. I think about eight or nine months ago he asked me what the name of that trust company was.

Mr. LITTLEFIELD. Did you tell him?

Mr. WAYLAND. Yes, sir.

Mr. LITTLEFIELD. Where is it located?

Mr. WAYLAND. At Portage, Wis.—the Portage Loan & Trust Co.

Mr. LITTLEFIELD. It seems that he changed the mortgagee to a bank in Lavallo.

Mr. WAYLAND. Yes, sir.

Mr. LITTLEFIELD. That is another place.

Mr. WAYLAND. All I know about it is what he testified to.

Mr. LITTLEFIELD. Then you had nothing to do with the ultimate placing of the mortgage?

Mr. WAYLAND. No, sir.

Mr. LITTLEFIELD. And no consultation with him about it?

Mr. WAYLAND. No, sir.

Mr. LITTLEFIELD. And had no hand in it?

Mr. WAYLAND. No, sir.

Mr. LITTLEFIELD. And had no concern with it?

Mr. WAYLAND. No, sir.

Mr. LITTLEFIELD. And you do not know of anybody that did. I take it?

Mr. WAYLAND. No, sir.

Mr. LITTLEFIELD. And the suggestion you made to him was not even adopted by him in the end?

Mr. WAYLAND. No, sir.

Mr. LITTLEFIELD. That is all.

The CHAIRMAN. Did you promise Mr. Towne anything or give him anything of value as a consideration for his remaining out of the joint session?

Mr. WAYLAND. Absolutely not.

The CHAIRMAN. Do you know of any other person who did?

Mr. WAYLAND. No, sir.

The CHAIRMAN. That is all.

TESTIMONY OF FRED R. ZIMMERMAN.

FRED R. ZIMMERMAN, having been heretofore duly sworn, testified as follows:

The CHAIRMAN. Mr. Zimmerman, you were a member of the Legislature of the State of Wisconsin in 1909?

Mr. ZIMMERMAN. Yes.

The CHAIRMAN. And participated in the election of Senator Stephenson?

Mr. ZIMMERMAN. I never voted for Senator Stephenson.

The CHAIRMAN. You participated in the election in the legislature when he was elected?

Mr. ZIMMERMAN. Yes.

The CHAIRMAN. For whom did you vote?

Mr. ZIMMERMAN. I voted for Henry Allen Cooper on the first day we balloted.

The CHAIRMAN. On the final ballot for whom did you vote?

Mr. ZIMMERMAN. On the final ballot I voted for ex-Mayor Sherburn Becker, of Milwaukee.

The CHAIRMAN. Did you hear any conversation or statement made by any member of the assembly with reference to any offer that had been made to such member in connection with voting for a United States Senator, or in connection with staying away from any session of the joint session of the house and assembly?

Mr. ZIMMERMAN. Yes.

The CHAIRMAN. Who?

Mr. ZIMMERMAN. Ex-Assemblyman Domachowski.

The CHAIRMAN. When was it you heard this conversation?

Mr. ZIMMERMAN. On the 4th day of March, at probably 12.45 o'clock.

The CHAIRMAN. After the election of Senator Stephenson?

Mr. ZIMMERMAN. Yes.

The CHAIRMAN. Before the members had left the hall?

Mr. ZIMMERMAN. The senate had left the hall. The assembly had taken a recess, and the members had congregated in little groups when he told me.

The CHAIRMAN. Did the assembly reassemble after the joint session?

Mr. ZIMMERMAN. There may have been a session that afternoon. I do not know.

The CHAIRMAN. You say you heard this member make a statement. What was the statement?

Mr. ZIMMERMAN. He made the statement to me. I was very much excited because of the absence of these three Democrats, which had made the election of a United States Senator possible upon that day. My seat was in the rear of the assembly. I walked to the front in the Democratic aisle, and met my associate, Mr. Domachowski. I said, in substance, "Joe, what do you suppose has become of these three fellows to-day?" He said, "Well, when you can buy a man to do a thing, he will do most anything." I said, "What do you mean?"

He said, "Well, I know that I have been offered fifteen to stay away to-day." I said, "What do you mean—fifteen dollars?" And very much disgusted, he said, "No; I mean fifteen hundred dollars." Continuing, he said, "I suppose if you can get these three Democrats on the stand, you can find out some reason why they are gone to-day."

The CHAIRMAN. Did he tell you who had made the offer to him?

Mr. ZIMMERMAN. No; he did not.

The CHAIRMAN. Did you ask him?

Mr. ZIMMERMAN. No, sir.

The CHAIRMAN. Did you ever hear a statement as to who made this offer?

Mr. ZIMMERMAN. He has testified since then that it was just a joke.

The CHAIRMAN. Did he tell it to you in a jesting or light manner?

Mr. ZIMMERMAN. Certainly not.

The CHAIRMAN. What was his manner—earnest, or otherwise?

Mr. ZIMMERMAN. Yes; very earnest and very serious.

The CHAIRMAN. How long had you known him?

Mr. ZIMMERMAN. I had never known him until we met in the legislature.

The CHAIRMAN. You had been serving some months together in the legislature at that time?

Mr. ZIMMERMAN. Yes; January and February.

The CHAIRMAN. You had had an opportunity to observe his usual manner. Did he speak to you in his usual manner of speaking?

Mr. ZIMMERMAN. Yes. He was a Milwaukeean with whom I rode from Milwaukee to Madison and from Madison back to Milwaukee, and I had become pretty well acquainted with him.

The CHAIRMAN. Do you know or have you heard of other offers being made to members of the legislature to do or refrain from doing anything that would effect the election of Senator Stephenson? Of course I refer to that session.

Mr. ZIMMERMAN. No, sir.

The CHAIRMAN. Did you not testify that you had heard from members of the legislature statements regarding other members of the legislature?

Mr. ZIMMERMAN. Yes.

The CHAIRMAN. To whom did you refer?

Mr. ZIMMERMAN. I remember a statement alleged to have been made by ex-Senator Lyons, when he said that he had been given \$100 "to be good."

The CHAIRMAN. Did you hear that statement?

Mr. ZIMMERMAN. No, sir.

The CHAIRMAN. Did you hear any statement in regard to any offer being made to Mr. Leuch?

Mr. ZIMMERMAN. Mr. Leuch told me of the offer that had been made to him.

The CHAIRMAN. What did he tell you?

Mr. ZIMMERMAN. Mr. Leuch told me that some one of the Stephenson detectives had urged him to stay in the joint assembly in order to help build up a quorum, and that for doing that he was to have anything that he wanted.

The CHAIRMAN. When did he tell you that?

Mr. ZIMMERMAN. He must have told me the day that it happened.

The CHAIRMAN. What day was that?

Mr. ZIMMERMAN. I do not remember, but it must have been the 1st or 2d of March—one of those days when the joint convention was sometimes voting and sometimes not.

The CHAIRMAN. Who was this Mr. Davies—an ex-sheriff?

Mr. ZIMMERMAN. He was an ex-deputy sheriff under ex-Sheriff Knell, of Milwaukee County, I believe.

The CHAIRMAN. Who told you about this statement of Senator Lyons, Elmer Haight?

Mr. ZIMMERMAN. Mr. Haight, of Columbia County.

The CHAIRMAN. And Frank Kimball?

Mr. ZIMMERMAN. I suppose Mr. Haight told us both at the same time.

The CHAIRMAN. What, if anything, do you know about Democratic members of the legislature being absent at the time the vote for United States Senator was taken on the 4th of March?

Mr. ZIMMERMAN. I know these three members were absent.

The CHAIRMAN. Name the three members. I ask that for identification.

Mr. ZIMMERMAN. Silas Towne, of Sauk County; John Farrell, of Milwaukee; and Thomas Ramsey, who is now dead.

The CHAIRMAN. Yes; it is in evidence that Mr. Ramsey is dead. Did you see Mr. Wayland and Mr. Towne walking arm in arm on the 4th of March, 1909, in the assembly chamber?

Mr. ZIMMERMAN. They were not walking arm in arm, but Mr. Wayland had his arm very tenderly around Mr. Towne.

The CHAIRMAN. Did you see Mr. Farrell there at the same time?

Mr. ZIMMERMAN. Yes.

The CHAIRMAN. Did anyone have him cornered?

Mr. ZIMMERMAN. I remember that as if it were yesterday. He was right straight down the aisle from where I sat. I remember Mr. Farrell sitting in his seat until he knew they were going to stay in and vote, and then Mr. Farrell picked up and walked out.

The CHAIRMAN. Did you see Mr. White with him?

Mr. ZIMMERMAN. I do not remember that I saw Mr. White with him.

The CHAIRMAN. In your former testimony at page 557, "Senate Journal," you describe the scene in this language, in response to a question:

Q. Is there anything else you know about the election of Stephenson that you have not been asked about?—A. I would like to say, Senator, that the day that Stephenson was elected the appearance of things in the assembly chamber and the smoking room were really interesting to me, with Silas Towne arm in arm with Mr. Wayland, and Farrell up here, cornered by Mr. Dick—

Q. Mr. who?—A. Dick White; and Ramsey walking around outside and telling me he was paired. It was real interesting to me, and I can't help speaking about it. And then, about half past 12 or 1 o'clock, when I walked down the street here with Dick White he chuckled in his sleeve because he said that he was responsible for this pair between Ramsey and Fenelon. He said that he had suggested it the night before, and the boys had patted him on the back for such a brilliant idea.

Did you make that statement?

Mr. ZIMMERMAN. I guess I did.

The CHAIRMAN. Is that based upon the facts or upon fancy?

Mr. ZIMMERMAN. That statement?

The CHAIRMAN. Yes.

Mr. ZIMMERMAN. That statement is facts.

The CHAIRMAN. Did Dick White tell you that he was responsible for the pair between Ramsey and Fenelon?

Mr. ZIMMERMAN. If I swore to it there he said it. I do not remember that he said he was responsible, because it happened the night before; but we were outside of the capitol building, and White said that he had suggested this pair and was complimented because of having suggested such a thing. That I remember.

The CHAIRMAN. Had you heard of that pair before?

Mr. ZIMMERMAN. They were not paired until that day, on the 4th day of March.

The CHAIRMAN. Was that pair registered?

Mr. ZIMMERMAN. I do not know.

The CHAIRMAN. Do you recognize pairs on the vote for Senator in the Legislature of Wisconsin?

Mr. ZIMMERMAN. They did under some circumstances; but this man Fenelon had not been there for a month or more.

The CHAIRMAN. Had he been there at all during the session?

Mr. ZIMMERMAN. I guess he was there one or two days. I remember having met the man.

The CHAIRMAN. He was not present and did not vote on the 4th of March?

Mr. ZIMMERMAN. Oh, no! He was taken sick very shortly after the legislature went to Madison and went home, and I do not suppose he was there more than just a very few of the first days.

The CHAIRMAN. Did you have anything to do with the pairs of members?

Mr. ZIMMERMAN. No.

The CHAIRMAN. Who had charge of the pairing of members?

Mr. ZIMMERMAN. I guess the pairs were always prepared and given to the speaker or the clerk.

Mr. LITTLEFIELD. Do you know about that? Do you have any real knowledge about it?

Mr. ZIMMERMAN. The pairs, as I remember it, were always handled at the clerk's desk. Whether the clerk got them first or the speaker of the house got them first I do not know.

The CHAIRMAN. Do you think that was a genuine pair that was announced between Mr. Fenelon and Mr. Ramsey?

Mr. ZIMMERMAN. I do not remember that it was announced.

The CHAIRMAN. You think nothing was said about it on the floor?

Mr. ZIMMERMAN. On the 4th of March?

The CHAIRMAN. Yes.

Mr. ZIMMERMAN. I do not think so. I do not remember.

The CHAIRMAN. You would have heard it had it been mentioned?

Mr. ZIMMERMAN. I would have heard it if I had been in the assembly when it was announced; and if I was there, then I have forgotten that that pair was mentioned.

The CHAIRMAN. There is nothing in the journal, Mr. Littlefield, that would indicate the pairs. Have you examined the journal? Have you a copy of the journal?

Mr. LITTLEFIELD. I think so.

The CHAIRMAN. I want to know whether this pair was announced when Mr. Ramsey's name was called or when Mr. Fenelon's name

was called. As I understand the practice (and if I am mistaken about this you can correct me), where pairs are filed with the clerk of the senate or the assembly, in joint session or otherwise, when the name is called, instead of the member announcing it the clerk announces the pair. Is that true?

Mr. ZIMMERMAN. The practice followed in that session of the legislature was, before the roll was called, for the clerk to announce the pairs he had on his desk.

The CHAIRMAN. I was so advised, but I did not know what the fact was, and you being a member of the legislature, I thought I would ask you. There is nothing in the journal to indicate the existence of the pairs.

Mr. ZIMMERMAN. I do not remember.

The CHAIRMAN. At this point I will read these telegrams into the record, because they are exhibits borrowed from the State custodian.

I will read first Exhibit 461-a. It is on Form 168 of the Western Union Telegraph Co. I think we will have these photographed. Written in ink at the upper right-hand corner are the figures "21." The telegram then reads as follows:

Received at
6 au c v 14 Paid.

21.

RIPON, Wis., March 4, '09.

THOMAS RAMSEY, *Assembly, Madison, Wis.:*

Can't you pair with me on United States Senator; am much better; paper reports wrong.

JAMES FENELON.

1101 Am.

That telegram, with the exception that I have noted, is written in typewriting; and there are 15 words in the message.

In connection with that I will read into the record Exhibit 462, which is in writing, and is marked "Copy," and which is written in lead pencil. It is on Form 2 of the Western Union Telegraph Co., and is as follows:

MADISON, Mch 4, 1909.

TO HON. JAMES FENELON, *Ripon, Wis.:*

Your request to pair on United States Senator granted. Glad to hear of your improvement.

THOMAS F. RAMSEY.

(Copy.)

Accompanying that is Exhibit 461, being a Western Union Telegraph Co. envelope, and is as follows:

Number 21, charges paid.

THOMAS RAMSEY, *Assembly.*

The address is written with pen and ink.

Mr. Zimmerman, did you see those telegrams?

Mr. ZIMMERMAN. No, sir.

The CHAIRMAN. They will now be returned to the State files. You know nothing of that transaction, do you?

Mr. ZIMMERMAN. No, sir.

The CHAIRMAN. You did not hear it mentioned on the floor at the time that either Mr. Fenelon's name or Mr. Ramsey's name was called?

Mr. ZIMMERMAN. No, sir. I do not think it was ever spoken of on the 4th of March.

The CHAIRMAN. Mr. Ramsey was absent?

Mr. ZIMMERMAN. Mr. Ramsey was absent and Mr. Fenelon was sick.

The CHAIRMAN. Where did you see Dick White meet Farrell on that day, the 4th of March?

Mr. ZIMMERMAN. I do not know that I saw them meet, Senator.

The CHAIRMAN. You say here, in answer to the question:

Q. Did you see him meet Farrell at the door?—A. Farrell went out of that center door.

Q. Where was Dick White then?—A. He was in the smoking parlor, and they walked together in the corner of the assembly—I shouldn't say corner of the assembly; corner of the smoking parlor.

Is that true?

Mr. ZIMMERMAN. Yes, sir.

The CHAIRMAN (continuing reading):

Q. After Farrell came out?—A. After Farrell came out; yes.

Q. How long were they together; do you know?—A. I didn't stop to see how long they were going to stay there. I wanted to find the other man, Towne.

Did you go out to find Towne?

Mr. ZIMMERMAN. I went out to try to find where he was.

The CHAIRMAN. Was that before or during or after the vote that elected Senator Stephenson?

Mr. ZIMMERMAN. The vote that elected Senator Stephenson was a vote of the State senate first. Following that was a roll call of the assembly, and, I being the last man to vote, had a few minutes to try to find Towne.

The CHAIRMAN. Was it while the vote was proceeding that you went out to find Towne?

Mr. ZIMMERMAN. Yes.

The CHAIRMAN. Did you look in the cloakroom for him?

Mr. ZIMMERMAN. I have heard that testimony. I do not know just where he could have been in such cloakroom.

The CHAIRMAN. Did you go there to look for him?

Mr. ZIMMERMAN. No; I did not.

The CHAIRMAN. Where did you look for him?

Mr. ZIMMERMAN. I went out into this open hall, or corridor, before the assembly chamber, or in front of the assembly chamber.

The CHAIRMAN. And you did not find him?

Mr. ZIMMERMAN. I did not see him there; no, sir.

The CHAIRMAN. Did you take any notice of Mr. Farrell when he left the chamber?

Mr. ZIMMERMAN. Yes; his seat was right down the aisle, straight from where I sat, and I remember his coming out and passing my desk.

The CHAIRMAN. At what stage of the proceedings did he leave? During the roll call or before?

Mr. ZIMMERMAN. The roll call was in progress.

The CHAIRMAN. Let us be definite about that. The roll call was in progress when Mr. Farrell left the chamber, was it?

Mr. ZIMMERMAN. Yes, sir.

The CHAIRMAN. That was the roll call for the election of a Senator, was it?

Mr. ZIMMERMAN. Yes, sir.

The CHAIRMAN. Is your recollection distinct as to these occurrences?

Mr. ZIMMERMAN. Why, Senator, I was rather delegated to watch as many of these members as I could; and I remember that upon this particular day, all things being equal, a United States Senator would not have been elected; and when these men got up and walked out, in the presence of the joint assembly, it made an impression upon my mind. As to whether or not the vote was in progress, or whether or not the first name of the senate roll had been called, it is pretty hard to say; but Farrell was sure that they were going to stay in before he went out. That is what I try to say.

Mr. LITTLEFIELD. You do not say that the roll call was actually in progress, but your judgment is that he knew it was going to be called?

Mr. ZIMMERMAN. Yes; I have tried to say that the roll call was in progress. At least, he was absolutely sure that they were going to stay before he went out.

The CHAIRMAN. I will refresh your memory. In response to the question which I just propounded to you, which I will reread, in this connection, at page 559:

Q. At what stage of the proceedings did he leave, during the roll call or before?—A. I think it was while the protest was being read. I remember very distinctly seeing him get up, close his desk, and walk down past my desk, and out. I remember that very distinctly.

The protest was read before the vote commenced, was it not?

Mr. ZIMMERMAN. That is right, Senator.

The CHAIRMAN (reading):

Q. Didn't he return, and later leave during the time the roll was being called?

Mr. ZIMMERMAN. I do not remember that he returned after he left.

The CHAIRMAN. We do not need to go, again, into the question as to the effect of the absence of these men.

Mr. LITTLEFIELD. No. That is obvious.

In connection with your testimony, we will adduce the facts in regard to the vote. If these men had stayed in and voted for Neal Browne, it would have been a tie vote for Stephenson, would it not?

Mr. ZIMMERMAN. Yes; the vote would have been 63 to 63.

The CHAIRMAN. You say here:

A. As I remember it, there were 126 votes cast.

That is correct; is it?

Mr. ZIMMERMAN. That day?

The CHAIRMAN. Yes.

Mr. ZIMMERMAN. No; I think not. There were 123 votes cast.

The CHAIRMAN. That is right. You corrected your testimony at that time. I wanted to test your memory.

Mr. ZIMMERMAN. Oh!

Mr. LITTLEFIELD. That is what he stated then.

The CHAIRMAN. I read the question from the book. He stated it then as he states it now.

You say that there were 123 votes cast. That is correct, is it not?

Mr. ZIMMERMAN. There were 123 votes cast on the 4th of March.

The CHAIRMAN. You say there would have been 126 had these three men remained in?

Mr. ZIMMERMAN. 126 is right.

The CHAIRMAN. Mr. Stephenson got 63 votes, did he?

Mr. ZIMMERMAN. Yes, sir.

The CHAIRMAN. That is the status of the vote on the 4th of March, upon which Senator Stephenson was elected?

Mr. ZIMMERMAN. Yes, sir.

The CHAIRMAN. There is no use pursuing that further.

Was there a roll call for the purpose of ascertaining whether or not a quorum was present preceding the roll call upon the vote?

Mr. ZIMMERMAN. In the joint assembly?

The CHAIRMAN. Yes.

Mr. ZIMMERMAN. No, sir.

The CHAIRMAN. We have been given to understand that it was not your custom to call a roll in joint assembly at all for the purpose of ascertaining the presence of a quorum.

Mr. ZIMMERMAN. No; it was not.

The CHAIRMAN. How did you know when a quorum was present?

Mr. ZIMMERMAN. After the votes were cast.

The CHAIRMAN. You ascertained it informally?

Mr. LITTLEFIELD. He said it was ascertained after the vote was cast.

The CHAIRMAN. That is true. I think I may safely say that it is the practice in the legislatures of States, generally, to call the roll in joint session the first thing.

Mr. LITTLEFIELD. I have no doubt the chairman is right.

The CHAIRMAN. Yes. I have had some opportunity to observe that.

Mr. LITTLEFIELD. You have been interested in the result, perhaps, Mr. Chairman?

The CHAIRMAN. No; I was never present when I was elected to the Senate, at any time, although that may seem strange.

The usual hour for adjournment has arrived.

Mr. LITTLEFIELD. I would like to ask the witness a question or two.

The CHAIRMAN. We are not entirely through with the witness, but the week has been rather a strenuous one, and we will not attempt to prolong it. The committee will stand adjourned until Monday morning at 10 o'clock.

(Whereupon, at 4.30 o'clock p. m., the subcommittee adjourned until Monday, October 23, 1911, at 10 o'clock a. m.)

FEDERAL BUILDING,
Milwaukee, Wis., Monday, October 23, 1911.

The subcommittee met at 10 o'clock a. m.

Present: Senators Heyburn (chairman) and Pomerene.

Present also: Mr. C. E. Littlefield, Mr. W. E. Black,, and Mr. H. H. Upham, counsel for Senator Isaac Stephenson.

The names of Dan Haley and James F. Walsh were called.

Mr. Haley and Mr. Walsh responded and were duly sworn by the chairman.

Mr. LITTLEFIELD. I wish to make a brief statement, Mr. Chairman:

The committee wished us to submit this morning a list of the witnesses for whom we would like to have subpoenas. Before doing so, I wish to make this suggestion in relation to two pieces of testimony,

so that it may not escape my attention. I should like, if the committee please, to have the testimony of Mr. Ramsey, the third Democrat who left the legislature on March 4, which was taken before the legislative committee, made a part of the record here as the testimony of Mr. Ramsey. He is now dead, as the committee is aware. If agreeable, I would like to have it appear that the record will be so made up.

The CHAIRMAN. That will be done.

Mr. LITTLEFIELD. After the testimony of Mr. Cook in relation to the conversation with Mr. Turrish, in Chicago, which to a certain extent involved Senator Stephenson's name, we immediately began an effort to locate Mr. Turrish, and we found that he is on the Pacific coast. We should like to have the permission of the committee to insert in this record the testimony given by Mr. Turrish in relation to that same subject matter before the Lorimer committee.

The CHAIRMAN. Before the Lorimer committee?

Mr. LITTLEFIELD. Yes; he testified and was fully examined before that committee.

The CHAIRMAN. We should have to see that testimony first.

Mr. LITTLEFIELD. You will find it on page 1379 of that record.

The CHAIRMAN. That would have to be furnished to us.

Mr. LITTLEFIELD. We have that, and I shall see that it is furnished to the committee.

The CHAIRMAN. The committee will then examine it and pass upon it.

Mr. LITTLEFIELD. It is in Part V, page 1379, of the proceedings of the Lorimer committee, and we will see that that is furnished to you.

We have a list of 41 men who acted in the capacity of what may be termed submanagers in the various localities.

The CHAIRMAN. Poll workers?

Mr. LITTLEFIELD. No; these were what we called submanagers; men to whom money was disbursed, either by Mr. Sacket or Mr. Edmonds, from the general headquarters. I have taken a list of those who received sums of a hundred dollars and upward. I do not think we shall need any subpoenas from the committee. We are getting in touch with these men as rapidly as possible. We have about 15 of them in town to-day, and there are 41 in all. We shall have them all here as soon as we can get them here and put them on the stand. All we expect to show by them is simply the receipt of the funds already testified to and the disbursement of those funds by them.

Senator POMERENE. You say "disbursements by them." Your statement, I take it, would include the character of the disbursement?

Mr. LITTLEFIELD. Oh, certainly.

Senator POMERENE. So that we may be able to determine as to whether or not we would care to go into the matter.

Mr. LITTLEFIELD. The committee will appreciate that, with the exception of 7 or 8 or 10 of these men; I have not seen any of them myself. With the exception of 7 or 8 or 10, just exactly how much detail they will be prepared to go into I can not state definitely; but we shall go as far as we can into detail, showing to whom they paid the money intrusted to them and the purposes for which it was paid. We expect to be able to show by all of them that it was legitimately and lawfully expended. That list, as I say, includes 41 names.

Senator POMERENE. Let me make a suggestion in regard to that statement, that you give us the details; that is, the substance of the facts and not the conclusions. There is a good deal of testimony here to the effect that this money was legitimately expended, and so on. We want the naked facts, from which we can determine that matter.

Mr. LITTLEFIELD. If I present the witnesses here, Senator, they will, of course, be subject to your examination.

Senator POMERENE. No doubt; but I am suggesting information to be included in your statement to us. Let me make myself clear.

Mr. LITTLEFIELD. Does the committee wish me to have a sort of an abstract prepared as to what each man will testify?

The CHAIRMAN. Yes.

Mr. LITTLEFIELD. I shall try to do that. Then the committee will decide whether it would like to have the witnesses examined or not.

Senator POMERENE. For instance, take the case of John Jones. If his money was expended for the employment of workers at the polls or for the purpose of getting signatures to petitions, let those facts be stated specifically.

Mr. LITTLEFIELD. Precisely. That is exactly what I shall do. As far as I can, I shall have these statements prepared so that they will indicate the men to whom the money was paid, the amount in each instance, and the purposes for which the funds were used by them. As I understand, the committee would like to have me submit that abstract so that you may be able to determine whether or not you desire to examine the witnesses.

The CHAIRMAN. Have any of these 41 persons been examined at any time?

Mr. LITTLEFIELD. No.

The CHAIRMAN. None of them were before the former committees?

Mr. LITTLEFIELD. No.

Mr. BLACK. Possibly some of them were.

Mr. LITTLEFIELD. I do not think so. It is possible a few of them may have been.

Mr. BLACK. Some of them were examined.

Mr. LITTLEFIELD. It may be that there are a few who were examined.

The CHAIRMAN. We should like to have those names indicated, because we have prepared a list of them also.

Mr. LITTLEFIELD. I shall have this list gone over and see how many of those who are included in the list were examined either before the joint legislative committee or before the senate committee.

I have also the names of 28 men who received sums in the amount of \$100 and upward from the submanagers.

The CHAIRMAN. Have any of those men been examined?

Mr. LITTLEFIELD. As far as I know, none of them have. I will look that over and see. I do not think any of them have been examined heretofore.

I may perhaps decide to go into those who received as low as \$50. It would cost about as much as \$50, I suppose, to get them here; but we want to go through this matter thoroughly and satisfy the committee that we are giving it the benefit of all of the information in our possession and control, or that we can reach.

There are something like 28 men who received money from the sub-managers in the sums of \$100 and upward, and we will have these men come in. As fast as they come in I will have an abstract of their statements prepared to submit to the committee; and then the committee can determine whether or not it would like to examine them.

As to those who received below \$100, we are prepared to call them all, if the committee wishes to sit and listen to the testimony. If the committee does not care to do that, we should like to have permission from the committee to submit from all of those men affidavits showing exactly what they did with the money, because we want to make this investigation exhaustive and complete.

What we desire to do in the first instance, so far as the committee wishes it, is to present the witnesses, or be prepared to present them, so that the committee can cross-examine them if it desires. If the committee does not care to delay the hearings for the purpose of having witnesses presented, we should like in that event to submit affidavits. In case the committee thinks affidavits as to the disbursement of small amounts will be adequate, I shall probably decide to have the affidavits of all the men who received sums that they themselves were to disburse. Do I make myself clear as to that?

The CHAIRMAN. I think so; yes.

Mr. LITTLEFIELD. For instance, if a man received \$25 for employing poll workers or watchers, if we are going to submit affidavits, I should like to have the affidavit cover that question, so that if we are going into that field there is no reason why we should not make a thorough job of it and exhaust it.

The CHAIRMAN. I think we can simplify the proposition within these lines: Have an itemized sworn statement from each of these several classes of disbursers to whom you have referred—those above \$500, those under \$500, those above \$100, those below \$100, and so on.

Mr. LITTLEFIELD. Yes.

The CHAIRMAN. They should not deal in general statements such as "Paid for organizing," etc. They must state the facts in regard to items that they paid where they know the facts, and where they do not know the facts they must say so.

Mr. LITTLEFIELD. Surely.

The CHAIRMAN. They should not clothe their statements in the ambiguous language of "organizing," and such terms. Then let those itemized statements be embodied in an affidavit and that affidavit should be about in the form of an examination. Let it cover the classes of disbursers to which you have referred and include within it some of the men who worked at the polls, stating specifically what they did—the acts that they performed.

Mr. LITTLEFIELD. Yes.

The CHAIRMAN. We want a specimen of that class of work sufficiently definite to give a general idea of what witnesses mean when they use the term "workers at the polls" and that should be submitted to the committee before it closes the general hearings, or within such time as the committee will advise you. Those matters will then be taken up and sifted, and where any of those statements indicate the necessity for further or more definite investigation an opportunity will be given by the committee for those persons to come before it at such convenient place and time as may be arranged. It

is not worth while to sit here and listen to something like forty-odd people—

Mr. LITTLEFIELD. The first list would include something like 70.

The CHAIRMAN. Well, a large list of people, one after the other—who would testify to the same character of information. We are here for information, of course, and for the examination of any witness who will give us information. We have the time and the disposition to examine the witnesses. But to merely repeat a stereotyped class of testimony from a large number of witnesses is not profitable, nor would it aid anything in the end. The committee is analyzing this testimony and classifying the witnesses, and now has the list complete as to those who have testified at other hearings and the subject upon which they have testified, who have not been before this committee, in order that we may be able to eliminate from the testimony before this committee those whose testimony would not be helpful in determining the question. We can cooperate with counsel's idea and pursue the course of collating the testimony and the facts and then deal with that class of information.

Mr. LITTLEFIELD. Of course the committee realizes that in case it became necessary to examine any number of these witnesses orally, it would be quite a burden upon Senator Stephenson to call them to testify in Washington. It would add very much to the expense.

The CHAIRMAN. The committee will not hesitate to go where it is convenient to hear them.

Mr. LITTLEFIELD. I want the committee to feel that we desire to act entirely under its direction. The only thing that Brother Black and myself desire, as representing Senator Stephenson, is to place ourselves in a position where it can not be said that we have left anything undone that ought to have been done. We desire to do everything that is incumbent upon us, in connection with this detail, to the satisfaction of the committee. We can have those statements prepared.

In connection with the gentlemen we have in town, I shall have their statements prepared upon the lines indicated by the chairman. I will then have each man make affidavit to his statement. If it then turns out that that is all the committee desires, the affidavit will be all that is necessary. If you want the witness we will have the witness here. That will be done to-day and this evening, so that we may be able to make progress along those lines.

The CHAIRMAN. I understand that practically all of those deal with the primary?

Mr. LITTLEFIELD. Yes; every one of them; in fact, all of those in the list that I am now discussing.

The CHAIRMAN. It is quite probable that the testimony in regard to the primary may be closed up in that way; but should any piece of testimony, or suggestion of testimony, prompt us to desire a personal inquiry, it will be in order.

Mr. LITTLEFIELD. Yes. That is very gratifying to us, and we will cooperate with that end in view. If we can work it out along those lines it will save us considerable time. Of course there are a great many of these men who received perhaps \$25 or \$50; and when we get to those I may have to send somebody out around the State in order to save expense.

The CHAIRMAN. You will be given time for that. We will not keep the committee in session at this time for the completion of this work, because it is obviously expensive; but when you make further report as to the probabilities in regard to it, the committee will take it up and consider it.

Mr. LITTLEFIELD. The attitude of the committee is perfectly agreeable to us.

The CHAIRMAN. I desire to say this to counsel: Counsel will notify the committee, or some member of it who is here, when affidavits are being taken, while the affiants are still within reach. The affidavits that are to be made can as well be made at some one place, I take it.

Mr. LITTLEFIELD. They will all be made in Mr. Black's office.

The CHAIRMAN. If the committee, having a list of those whose affidavits are to be made, desires to ask any questions to be incorporated into the affidavits, or if the committee wishes to be present when the affidavits are made, the committee will then make arrangements to have that done.

Mr. LITTLEFIELD. We shall probably be able to start on the affidavits this afternoon; and we should be very glad if the committee could arrange to have some person present while the affidavits are being taken.

The CHAIRMAN. I suggest that you submit the form of the affidavits to the committee.

Mr. LITTLEFIELD. I can as well give that now. My notion would be—

The CHAIRMAN. I think it would be better to submit the form, and if the committee desires to make suggestions as to elaboration or otherwise it can do so.

Mr. LITTLEFIELD. Very well. I shall try to submit an abstract of the form of the affidavit at the time of adjournment.

TESTIMONY OF FRED R. ZIMMERMAN—Resumed.

The CHAIRMAN. Mr. Zimmerman, did you state what district you were from?

Mr. ZIMMERMAN. From the eighth assembly district.

The CHAIRMAN. What county is that?

Mr. ZIMMERMAN. Milwaukee County, comprising the eighth and the twenty-third wards.

The CHAIRMAN. Is Mr. Saunderson present?

(There was no response.)

The CHAIRMAN. At the risk of overlapping a little, some time having elapsed since your former examination, I will ask you with reference to the condition of affairs at the time immediately preceding and during the joint ballot at which Senator Stephenson was elected. I notice that in your former testimony, at page 557, you describe the scene when Mr. White and Mr. Farrell left the chamber. Then you say that you heard "Dick" White chuckling over the occurrence, and making the statement that he had suggested, the night before, that these men should walk out. Is that correct?

Mr. ZIMMERMAN. No, sir.

The CHAIRMAN. What did he suggest, or say he had suggested, the night before? Your language is indefinite. That is the reason I ask you the question.

Mr. ZIMMERMAN. Dick White's suggestion was that a pair be arranged between Mr. Ramsey and Mr. Fenelon.

The CHAIRMAN. Oh! That is as far as the suggestion went?

Mr. ZIMMERMAN. That was his suggestion; yes.

The CHAIRMAN. As to what had occurred the night before?

Mr. ZIMMERMAN. He was taking credit for the occurrence of the pair, saying that he had suggested it; and of course it terminated in the pair.

The CHAIRMAN. What would have been the result of Ramsey's being present on the floor, so far as the election was concerned?

Mr. ZIMMERMAN. Allowing that the other two men had been there?

The CHAIRMAN. With the other two men out, and Ramsey present.

Mr. ZIMMERMAN. Senator Stephenson would have been elected.

The CHAIRMAN. Just the same?

Mr. ZIMMERMAN. Yes.

The CHAIRMAN. So that Ramsey's absence, or the absence of the pair, would not have affected the result?

Mr. ZIMMERMAN. I do not see how it could.

The CHAIRMAN. I am asking you because you were a participant in this matter, although we might figure it out ourselves.

Mr. ZIMMERMAN. No; Senator Stephenson would have been elected just the same.

The CHAIRMAN. Just the same?

Mr. ZIMMERMAN. Yes, sir.

The CHAIRMAN. Whether this pair was a bona fide pair or whether it was concocted?

Mr. ZIMMERMAN. That is right.

The CHAIRMAN. If Mr. Farrell had not gone out with Dick White, and Mr. Ramsey had been on the floor, the result would have been the same. Suppose both of them had been on the floor, Ramsey and Farrell—how would the result have stood then?

Mr. ZIMMERMAN. Senator Stephenson would have been elected.

The CHAIRMAN. So that it required the absence of the three men to bring about the result; did it?

Mr. ZIMMERMAN. Yes, sir.

The CHAIRMAN. Is that true? That was the test question addressed to your memory.

Mr. ZIMMERMAN. That is right; it took three men.

The CHAIRMAN. But did it take three men absent?

Mr. ZIMMERMAN. Yes, sir; unless those—

The CHAIRMAN. Two men absent would not have accomplished it?

Mr. ZIMMERMAN. No, sir; unless these three men had stayed and voted for Senator Stephenson.

The CHAIRMAN. No; I am assuming that they would not vote for Senator Stephenson.

Mr. ZIMMERMAN. I supposed from your question that that was what you meant.

The CHAIRMAN. So that it was absolutely necessary that three men, and not two, be absent—three Democrats, and not two Democrats? Two absent Democrats would not have accomplished the result? I want to get the value of Ramsey.

Mr. LITTLEFIELD (to the witness). Would you like some more paper to figure on?

Mr. ZIMMERMAN. I should like just a little piece of paper.

Mr. LITTLEFIELD. You have got to have a little more space to work that out; have you not [handing paper to witness]?

The CHAIRMAN. Now you can figure out the value of Mr. Ramsey as a factor in the election there, in order to place the proper estimate upon the testimony.

Mr. ZIMMERMAN. It appears to me, Senator, from as much as I know about political arithmetic, that any one of these men would have accomplished the result.

The CHAIRMAN. Then Ramsey is equal to the whole three of them? His absence accomplished just as much as the absence of the entire three; did it not?

Mr. ZIMMERMAN. That is the way it appears to me now.

The CHAIRMAN. Just be quite sure of that, please. Verify it.

Mr. ZIMMERMAN. I think there is no question but that any one of them would have accomplished the result.

The CHAIRMAN. Then, if they bought three, they wasted money; did they not?

Mr. ZIMMERMAN. Well, one might have cost just as much as the three of them, if they did buy him.

The CHAIRMAN. If Ramsey's absence was a legitimate absence because of a pair, there is no occasion for considering the absence of the others so far as the effect was concerned, is there?

Mr. ZIMMERMAN. That is true.

The CHAIRMAN. Are you quite sure of that?

Mr. ZIMMERMAN. Yes.

The CHAIRMAN. Then the validity of the Ramsey pair becomes an important factor, does it not?

Mr. ZIMMERMAN. The validity of the pair? Yes, sir.

The CHAIRMAN. Do you know Mr. Fenelon, the man with whom he was paired?

Mr. ZIMMERMAN. Why, Senator, I met him a number of times. I do not know that I ever spoke to the man. I would know him to-day if I saw him, if he looked the same as he did then—a tall man with a long gray beard.

The CHAIRMAN. Have you seen him since the session of the legislature.

Mr. ZIMMERMAN. No, sir.

The CHAIRMAN. He was a Republican, was he—a Stephenson man?

Mr. ZIMMERMAN. I think he voted for Senator Stephenson possibly once or twice at the first sessions of the joint assembly.

The CHAIRMAN. There were 123 votes cast, were there?

Mr. ZIMMERMAN. Yes, sir.

The CHAIRMAN. Had those three men stayed in there would have been 126 votes cast, would there? How many of the 126 would have been anti-Stephenson?

Mr. ZIMMERMAN. Allowing that Ramsey, Farrell, and Towne had voted for a Democrat?

The CHAIRMAN. Yes. They would have had to vote for a Democrat.

Mr. ZIMMERMAN. Sixty-three.

The CHAIRMAN. Sixty-three would have elected Stephenson?

Mr. ZIMMERMAN. No; that would have been a tie vote.

Mr. LITTLEFIELD. Not with 126; that would have been a tie.

The CHAIRMAN. Yes; that would have been a tie. If two of them had been in and one out, then Stephenson would still have been elected, would he not? He would have had 63 to 62. In other words, if you add two of the absentees to the number of votes cast it makes 125 votes.

Mr. ZIMMERMAN. If Stephenson had had 63 he would have been elected.

Mr. LITTLEFIELD. The absence of one vote would have elected Stephenson.

The CHAIRMAN. So it did take three absentees, either absent or not voting, to elect Stephenson, did it?

Mr. ZIMMERMAN. There was still another thing that was considered that day, Senator, as I remember it. There was a man from Columbia County whose name was Towers; and, I think, this critical day was the first day he voted for Senator Stephenson.

The CHAIRMAN. That element has not been brought into this case before, has it?

Mr. ZIMMERMAN. These figures are getting so very close to an election that I have got to think.

The CHAIRMAN. I think we may fairly recognize you as understanding your business in the legislature; because your testimony, as it was brought to the committee, had much to do with the existence of this hearing. I want to get the information from you as accurately as you can give it, to back up the responsibility that rests on you as a man who is capable of bringing about an investigation. Figure that out. Who was this man? Let us have that fully in the record at this time.

Mr. ZIMMERMAN. I have forgotten his given name. I think it was James—James Towers, I believe; probably James S. Towers, from Columbia County.

Mr. BLACK. That name is correct—James S.

Mr. ZIMMERMAN. James S. Towers, from Columbia County. Does not the record show that that was the first day he voted for Stephenson?

Mr. BLACK. No, sir.

Mr. LITTLEFIELD. No; the record shows that he voted three times for Stephenson before that—on January 26, 27, and 28.

Mr. ZIMMERMAN. Those were the first days. Well, that may be.

Mr. LITTLEFIELD. The first day was the separate vote, and the next two votes were in joint assembly.

Mr. ZIMMERMAN. Then he did not vote for him for a month.

Mr. LITTLEFIELD. The record shows he did not vote for anybody until, on the 3d, he was present, and on the 4th he voted for Stephenson.

Mr. ZIMMERMAN. I will take an oath that he voted for Nick Cleary.

Mr. LITTLEFIELD. I supposed this showed who he did vote for; but what I have here simply shows the Stephenson votes. Very likely he may have been voting for somebody else. I would not say that.

The CHAIRMAN. The law is that he must have a majority of those present and voting of a quorum. He must have a majority of a quorum of those present and voting.

Mr. LITTLEFIELD. In other words, there must be a quorum voting.

The CHAIRMAN. Present and voting.

Mr. LITTLEFIELD. Yes.

The CHAIRMAN. That goes to the question of pairs, you see, because the law uses the words "present and voting." A pair is not "present." I merely make that suggestion at this time because we are now dealing with what is claimed as a pair by some, and is claimed as a voluntary absenteeism by others. You have got to deal with the question from that standpoint. I have suggested here that a quorum would be a majority of the members-elect.

Senator POMERENE. What was that number?

Mr. LITTLEFIELD. 133; was it not?

Senator POMERENE. 133 members of the joint assembly?

Mr. ZIMMERMAN. 133; yes, sir.

Mr. LITTLEFIELD. That is, both branches.

The CHAIRMAN. There must be a majority of those present to make a quorum. A majority of the quorum present and voting may elect. The fact that they are voting, unless they are present, does not bring them within the language of the law.

Senator POMERENE. 67 would make a quorum.

The CHAIRMAN. So that, of course, there was clearly a quorum present.

Mr. LITTLEFIELD. And voting.

The CHAIRMAN. And voting.

Mr. LITTLEFIELD. Yes.

The CHAIRMAN. But the language goes to establish a rule in regard to pairs. A pair presupposes the absence of somebody, although pairs do exist with both parties present.

Mr. LITTLEFIELD. We have noticed that a good many times.

The CHAIRMAN. But that must appear affirmatively.

Mr. LITTLEFIELD. I do not think the science of pairing is quite as well understood in the State legislatures as it is in the Federal legislature.

The CHAIRMAN. The question perhaps does not arise here, except to make it plain to this witness in giving his testimony in regard to the facts upon which we must determine the effect of absenteeism by these men. For that reason we commenced the inquiry by asking as to this pair.

No announcement was made as to the pair that you heard; was it? None is shown in the journal.

Mr. ZIMMERMAN. The record shows none, and I do not remember that an announcement was made.

The CHAIRMAN. Was it the custom in the legislature, when a member's name was reached in calling the roll, for him to announce his pair?

Mr. ZIMMERMAN. No. It was customary for the clerk to have the pairs, and to read them before the vote was started.

The CHAIRMAN. Before the vote was started?

Mr. ZIMMERMAN. Yes, sir.

The CHAIRMAN. I will ask counsel, in examining the proceedings of that day before the roll call, to see if there was any announcement of pairs.

Mr. LITTLEFIELD. I have done so. There was not.

The CHAIRMAN. That is as much information as you have in regard to the pairs, is it—that which you gathered by listening at the

investigation to the statement that there was a pair? Or were you advised at or about the time that there was a pair? Did Mr. Ramsey tell you that he was paired?

Mr. ZIMMERMAN. It was not more than an hour or two, probably, after the vote for United States Senator was announced on the 4th of March, when practically everybody in the legislature was speaking about Ramsey's pair.

The CHAIRMAN. How were they speaking about it? What was the sentiment?

Mr. ZIMMERMAN. I think I can tell you what started it.

The CHAIRMAN. Do so.

Mr. ZIMMERMAN. A reporter on the Journal, William Powell, went to Ramsey at his desk and said: "Ramsey, you were not voting this morning. What was the matter?" "Oh, I was paired."

The CHAIRMAN. How long was this after the vote?

Mr. ZIMMERMAN. I had returned from lunch, Senator; possibly an hour or two.

The CHAIRMAN. All right. Now go ahead with the statement.

Mr. ZIMMERMAN. This reporter said to Ramsey: "Why were you not voting this morning?" "Oh, I was paired." "Who were you paired with?" "Well, I was paired." Then, perhaps, there were two or three more questions, and Ramsey's answer: "I was paired." I heard that.

The CHAIRMAN. Did Ramsey, before the conversation was finished, tell with whom he was paired?

Mr. ZIMMERMAN. I would not like to say, Senator. I do not remember as to that. But he was paired, anyway.

The CHAIRMAN. And that was the only evidence? He did not show any telegrams, then; did he?

Mr. ZIMMERMAN. If he did, I did not see them.

The CHAIRMAN. You would have seen them?

Mr. ZIMMERMAN. I think I would have seen them.

The CHAIRMAN. You did not see any?

Mr. ZIMMERMAN. Oh, I know I did not see any.

The CHAIRMAN. When did you first see or hear of the telegrams?

Mr. ZIMMERMAN. I do not think I remember much as to those telegrams.

The CHAIRMAN. Did you ever hear of them or see them before the investigation?

Mr. ZIMMERMAN. I never saw them before the investigation, and I do not remember distinctly that I heard of them.

The CHAIRMAN. You started by saying you could tell us what was said and thought there. Go ahead and give us some more light on that subject, in regard to this pair.

Mr. ZIMMERMAN. The conversation between Ramsey and the reporter?

The CHAIRMAN. Yes; any conversation, or anything that would throw light on the question.

Mr. ZIMMERMAN. That is all there was to it—the persistence of this reporter to get an expression as to why he was absent, and Ramsey's repeated answer that he was paired. I do not think there was anything more to it than: "Why were you gone?" "I was paired." I think that question and answer were repeated perhaps half a dozen times.

The CHAIRMAN. Did you hear any other conversation than that between the reporter and Mr. Ramsey?

Mr. ZIMMERMAN. No, sir; I guess that is all the conversation there was.

The CHAIRMAN. Did you hear any other statements in regard to it about the legislature about that time, that afternoon, from other members?

Mr. ZIMMERMAN. This pair?

The CHAIRMAN. Yes; about the pair.

Mr. ZIMMERMAN. We were naturally very much interested in knowing something about it; but I never got any more information on it.

The CHAIRMAN. For whom did you vote?

Mr. ZIMMERMAN. On the first ballot I voted for Henry Allen Cooper. On the last ballot I voted for Sherman Becker.

The CHAIRMAN. You did not vote for Stephenson at any time?

Mr. ZIMMERMAN. I never voted for Isaac Stephenson.

Mr. LITTLEFIELD. Who was the first man?

Mr. ZIMMERMAN. Henry Allen Cooper.

Mr. LITTLEFIELD. Oh! Congressman Cooper?

Mr. ZIMMERMAN. From Racine; yes.

The CHAIRMAN. You are a Democrat, are you?

Mr. ZIMMERMAN. I am a Republican.

Mr. LITTLEFIELD. You never heard of a Democrat voting for Cooper, did you?

The CHAIRMAN. I am getting the testimony of the witness now.

You have related here a little incident that occurred during the senatorial contest that I should like to know if you have any further information on. You were speaking of the 27th of January. That is the day upon which it is claimed by some that the election really took place. It is not necessary to pass upon that now. You say that about the 27th of January, and one or two succeeding days, and you think the first day of the next week, things were very close. I am reading from page 561 of the senate journal. I am reading this merely preliminarily:

Q. I want a general description of what was occurring down on the assembly floor.—A. Well, there was no question but what they were very anxious that when things were so very close a member here and there should change his vote. We saw that. I remember Eddie Leroy—Mr. Leroy—talking to Dr. Hoyt, the day when it would take one vote to elect Stephenson. I remember his saying to him, "Get up here and change your vote, and we will stand by you."

You heard that conversation?

Mr. ZIMMERMAN. Yes, sir.

The CHAIRMAN. Was that in separate or joint session?

Mr. ZIMMERMAN. Oh, that must have been in joint session, Senator.

The CHAIRMAN. Yes; it must have been.

Mr. ZIMMERMAN. The individual ballots in both houses were taken just upon one day.

The CHAIRMAN. Was there a day when one vote would have effected an election?

Mr. ZIMMERMAN. That is my recollection—that one vote that day would have effected an election.

Mr. LITTLEFIELD. What day is that—the 27th?

The CHAIRMAN. The 27th of January.

Mr. ZIMMERMAN. Was not that the very first day of the joint ballot?

The CHAIRMAN. That is the 27th of January. That would have effected the election of Stephenson, would it?

Mr. ZIMMERMAN. I think one vote would have done it that day.

The CHAIRMAN. In regard to Davies offering or saying that he was authorized to do certain things, do you attach any importance to that? Do you think that was a jest or was that a bona fide offer?

Mr. ZIMMERMAN. Mr. Leuch, to my mind, is a very honest young man. I do not think he would have said so unless he knew what he was talking about.

The CHAIRMAN. And you still believe Mr. Davies made that statement in earnest to Mr. Leuch?

Mr. ZIMMERMAN. I would rather take Mr. Leuch's word that he made it than Mr. Davies's word that he did not.

The CHAIRMANS. You say here (on p. 564):

Mr. Leuch told me that on the 1st day of March, I think, that ex-Deputy Sheriff David Davies had told him that he could have anything that he wanted if he agreed to stay in the chamber that day so as to try and help make a quorum. He could vote for anybody he liked, but stay in and vote.

You seem to have attached a good bit of importance to that testimony. Do you regard it as important, and did you, as a member of that legislative body, regard it as important?

Mr. ZIMMERMAN. I will tell you this, Senator, the 1st day of March was probably one of the days when the anti-Stephenson members prevented a quorum by leaving the joint assembly; and I suppose upon that day they must have had almost enough members to make a quorum. Otherwise, so much importance should not have been attached to it.

The CHAIRMAN. You did not think it would be an offense to offer to pay a man for remaining at his post of duty and performing it, did you, when he was told that he incurred no obligation to vote for any particular person?

Mr. ZIMMERMAN. He certainly would have been offending the State of Wisconsin, to my mind, if he had.

The CHAIRMAN. But would he have been violating his duty?

Mr. ZIMMERMAN. Yes.

The CHAIRMAN. By remaining in and voting, as he was a member of the body?

Mr. ZIMMERMAN. Yes; I think so.

The CHAIRMAN. Do you think a man is ever justified in remaining out of a session of a legislative body because his absence might bring about a result that would not be in harmony with the wish of a majority of the members? Is that the idea you have in your mind?

Mr. LITTLEFIELD. The chairman means a minority of the members; does he not?

The CHAIRMAN. No. What I am endeavoring to say, if I have properly expressed myself, is that a man is never justified in remaining out to defeat a result that would express the opinion of the majority of the body.

Mr. LITTLEFIELD. Yes. That is what I understood you to mean.

Mr. ZIMMERMAN. That is true. But you have a condition here in which a man is accused of having obtained a primary nomination by

fraud; you have a body of assemblymen and senators who are going over this condition: and these members of the legislature are not refusing to vote for Isaac Stephenson to thwart the will of the people, but rather to determine whether or not he is to be elected and go to Washington with any honor. I should have been ready to vote for Isaac Stephenson if it had not been for the charges of corruption preferred against him. I never in my life was a Stephenson man, and I am not to-day; but that would have made no difference.

The CHAIRMAN. Did you make a statement when your name was called on the roll call when the vote was taken?

Mr. ZIMMERMAN. Yes. I think on the very first day, when the roll was called, I said that as long as this investigation was pending or was started, I would wait until the investigation determined something; and then, if Isaac Stephenson could be honestly elected, I would be ready to vote for him.

The CHAIRMAN. You have no further reason to give as to why you should have based your participation in the objection to Senator Stephenson's election upon the fact that some man, acting (for the purposes of this statement) admittedly in the interest of Senator Stephenson, sought to induce the members to stay at their post? You have nothing to add to that, have you?

Mr. ZIMMERMAN. No; I do not think I can add to what I have said.

The CHAIRMAN. There was no other impropriety, so far as you know, that occurred between Davies and Leuch, then?

Mr. ZIMMERMAN. None that I know of, Senator.

The CHAIRMAN. I think those are all the questions that I desire to ask this witness.

Senator POMERENE. I have a few questions.

I understand you to say there were 133 members in the joint assembly?

Mr. ZIMMERMAN. That is right. There were 100 members of the assembly and 33 of the senate.

Senator POMERENE. That would make 67 a quorum, would it?

Mr. ZIMMERMAN. Yes, sir.

Senator POMERENE. I believe you have said that on March 4 there were 123 votes actually cast?

Mr. ZIMMERMAN. 123 votes cast; yes, sir.

Senator POMERENE. We have accounted for three Democrats who were absent, and some question arose as to the reason for their absence. That would make 126. Mr. Fenelon was absent. That would make 127, and leaves 6 other members absent. How are they accounted for?

Mr. ZIMMERMAN. I do not remember who the absentees were.

Senator POMERENE. Does the journal show their absence?

Mr. LITTLEFIELD. You mean on the 4th of March?

Senator POMERENE. The six additional members; yes.

Mr. LITTLEFIELD. I will look at it and see. My impression is it shows it only by a process of exclusion. I do not think it states it explicitly.

Mr. BLACK. It simply gives the total number of votes cast.

Senator POMERENE. Have you any recollection as to who these absentees were, or why they were absent?

Mr. LITTLEFIELD. You mean now on the 4th of March?

Mr. ZIMMERMAN. No; I have no recollection about who they were, nor why they were absent.

Senator POMERENE. That is all I care to ask.

Mr. LITTLEFIELD. I move to strike from the record all of the expressions of opinion of Mr. Zimmerman in relation to pairs and the effect of pairs, on the ground that it is purely a matter of law, and the opinion of Mr. Zimmerman can have no probative force upon the proposition.

I also move to strike out——

The CHAIRMAN. In connection with that motion, before going to another one, we will say that the purpose of inquiring of Mr. Zimmerman was because he was a member of the body, and the question of pairs is not one of law but one of regulation by each legislative body according to its own rules; and it is competent to ask any member of a body as to the rules that govern it. That is all. I will say that in connection with the ruling.

Mr. LITTLEFIELD. The chairman understands I am confining myself to the rule laid down by the committee. I did not make any objection to the testimony, and I am simply making the motion.

The CHAIRMAN. Yes.

Senator POMERENE. In that connection let me ask this question: Did the printed rules of either house or of the joint session have any provision on the subject of pairing?

Mr. ZIMMERMAN. I think there is a provision for pairs in the rules; but I can not tell you the rule, nor can I quote it. But I think it says that the pair, in order to be recognized, must be filed with the clerk.

Senator POMERENE. Has counsel a copy of those rules?

Mr. LITTLEFIELD. No.

Mr. BLACK. I have not any copy here.

Mr. LITTLEFIELD. I move to strike out the statement in reference to pairs on the ground that it is secondary evidence. A further ground is that if it is a question of fact as to whether or not pairs should be observed, Mr. Zimmerman's own statement is that he knows nothing about these facts, did not know them at the time, and has not any information in relation thereto. And I move to strike out what he said about the rule upon the ground that the rule itself is the only evidence that can be considered.

I also move to strike out all that Mr. Zimmerman has stated in characterizing Mr. Leuch as an honest and truthful man, because there is no rule under which evidence of that sort can be admitted.

I also move to strike out the witness's expression of opinion that he believes Mr. Leuch's statement as contrasted with Mr. Davies's statement, because it is a matter of no consequence what Mr. Zimmerman's opinion is upon that proposition.

The CHAIRMAN. The motion will be entered.

Mr. LITTLEFIELD. Yes; I do not argue it. I simply make the motion; and of course the chairman appreciates that I do this to keep myself within the rule.

The CHAIRMAN. Yes; can counsel make available to us a copy of the journal? We have sent for it.

Mr. LITTLEFIELD. Just as soon as I get through with the cross-examination I will hand you my copy.

Senator POMERENE. Have you a copy of the assembly rules also?

Mr. LITTLEFIELD. I have here the rules of the legislature; and the first thing I will do on the cross-examination is to hand them to Mr. Zimmerman, who, I assume, is much more familiar with them than I am, and ask him to just run them through carefully and see if he finds any rule relating to pairs?

The CHAIRMAN. First, identify those as the rules.

Mr. LITTLEFIELD. Yes; I hand you the Bluebook for 1909, which, on page 99, contains the rules of the legislature. [Presenting book to witness.] That is right, is it not?

Mr. ZIMMERMAN. Yes.

The CHAIRMAN. I can probably save the counsel some little trouble. I have just had handed to me an official copy of the Legislative Manual of the Wisconsin Legislature, which has these rules in it.

Mr. LITTLEFIELD. Is it indexed?

The CHAIRMAN. Yes; it is rule 102.

Senator POMERENE. We will read this right into the record.

The CHAIRMAN. Yes.

Mr. LITTLEFIELD. Yes, certainly.

Senator POMERENE (reading):

Rule 102.—Pairs.—Members may pair on any question by filing a signed statement of the same with the chief clerk, who shall read the same to the house before the vote is taken. A blank form of pair for the use of members shall be provided by the chief clerk. In the assembly no pair shall be recognized unless made in person by the members signing the same, nor unless one or both of the parties thereto are absent with leave.

Does this refer to the rules of the joint session, or the house or senate?

Mr. LITTLEFIELD. I will ask Mr. Zimmerman this: To your knowledge, did the joint session adopt any rules?

Mr. ZIMMERMAN. Both houses of the legislature, to my recollection, used the same rules. I suppose they used the same rule in the joint session.

Mr. LITTLEFIELD. I am not asking you that. I am asking you, as a member of the joint convention, whether or not the joint convention adopted any rules?

Mr. ZIMMERMAN. I do not remember.

Mr. LITTLEFIELD. I am not asking you about what the separate bodies did. That I know about. Did or did not the joint convention adopt any rules?

Mr. ZIMMERMAN. Not to my knowledge.

Mr. LITTLEFIELD. Do you not know, as a matter of fact, that they did not adopt any rules?

Mr. ZIMMERMAN. If I knew they did not, I would certainly say so.

Mr. LITTLEFIELD. You do not know that they did, do you?

Mr. ZIMMERMAN. I do not know that they did.

Mr. LITTLEFIELD. I understand you to say that you gave a reason for not voting for Senator Stephenson. Is it your recollection that you gave that reason on the 27th of January?

Mr. ZIMMERMAN. What date was it when each house voted separately?

Mr. LITTLEFIELD. The 26th of January, and the 27th was the first day they voted jointly.

Mr. ZIMMERMAN. The records will show that I made about the same remark on——

Mr. LITTLEFIELD. I am asking for your recollection. I understand you to say that you recollect that at some time you gave as a reason for not voting for Senator Stephenson the fact that the investigation was pending and, in substance, that if it had not been pending, with the charges involved, you would have voted for him. I am not giving your exact language; but I understand you to say that in substance you made that statement?

Mr. ZIMMERMAN. I did not make such a big speech.

Mr. LITTLEFIELD. State just what you did say, according to your recollection.

Mr. ZIMMERMAN. On the 26th of January, when the assembly voted in separate session, I probably said something like this: "Mr. Speaker, pending the investigation, you will permit me to vote for Henry Allen Cooper, of Racine;" and upon the next day I probably said: "Mr. President, permit me to vote to-day, as I voted yesterday, for Mr. Henry Allen Cooper, of Racine."

Mr. LITTLEFIELD. Did you at any time in joint convention repeat the suggestion made in the assembly on the 26th?

Mr. ZIMMERMAN. I do not think so.

Mr. LITTLEFIELD. There were pairs recognized in connection with the vote for United States Senator in the joint convention, were there?

Mr. ZIMMERMAN. That is my recollection; yes.

Mr. LITTLEFIELD. In how many instances, so far as you remember?

Mr. ZIMMERMAN. I suppose there was scarcely a day but that somebody was paired.

Mr. LITTLEFIELD. Do you recollect any individuals that were paired?

Mr. ZIMMERMAN. Yes; I remember upon one day that Assemblyman Buslett was paired with Senator Brown. That was one of the first days of March or one of the last days of February, and I remember it because the pair was not filed. Senator Brown did not vote, but Assemblyman Buslett did vote, and after he had voted he asked whether or not Senator Brown had voted. After having been told that he had not, he said: "Then my vote must not be counted, because I am supposed to be paired with him."

Mr. LITTLEFIELD. Did he make that statement before or after the roll call was finished?

Mr. ZIMMERMAN. After the roll call.

Mr. LITTLEFIELD. Had the result been announced?

Mr. ZIMMERMAN. No, sir.

Mr. LITTLEFIELD. I suppose everybody present knew what the result was; everybody was keeping tab, I imagine, on the vote?

Mr. ZIMMERMAN. We were keeping pretty close tab; yes.

Mr. LITTLEFIELD. So that with the vote as it stood after the roll call was completed on that day Senator Stephenson would have been elected if Mr. Buslett had not withdrawn his vote? That is right, is it?

Mr. ZIMMERMAN. I do not think the Senator would have been elected.

Senator POMERENE. To what day are you referring?

Mr. LITTLEFIELD. To the 3d of March. On that day there were 124 votes cast; and without Mr. Buslett's vote Senator Stephenson had 62, which was just a tie. If Mr. Buslett's vote had been counted for him, he would have had 63, which would have been one majority, would it not?

Mr. ZIMMERMAN. I do not know now whether you are referring to the day of which I speak. I remember that remark of Mr. Buslett's.

Mr. LITTLEFIELD. I am referring to March 3, the day preceding the day when the three Democrats left the assembly.

Senator POMERENE. I am a little confused. When do you claim this remark was made?

Mr. ZIMMERMAN. Oh, I do not claim anything about that, Senator. I suppose the record will show it.

Mr. LITTLEFIELD. The record, under date of March 3, 1909, shows that there were 124 votes cast; that without counting the vote of Mr. Buslett, Senator Stephenson had 62 votes, and that there were 62 adverse votes. The record does not show that Mr. Buslett withdrew his vote after the roll call was completed; but Mr. Zimmerman says that was the fact.

My question is: If Mr. Buslett's vote had been allowed to stand as it stood when the roll call was completed, it would have resulted in the election of Senator Stephenson, because the vote would have stood 63 to 62? That is right, is it not?

Senator POMERENE. Does the journal show his vote to be recorded on that day?

Mr. ZIMMERMAN. It shows a remark about his act.

Mr. LITTLEFIELD. I will put in everything the journal does show. That is a fact, is it not, that if Mr. Buslett's vote had stood as it was recorded when the roll call was completed, it would have resulted in the election of Senator Stephenson?

Mr. ZIMMERMAN. You mean if Mr. Buslett's vote had been counted?

Mr. LITTLEFIELD. Yes.

Mr. ZIMMERMAN. Why, certainly.

Mr. LITTLEFIELD. If Mr. Buslett's vote had stood as it was recorded at the time the roll call was completed. He did not ask to change his vote until the roll call was completed, as I understand it. That is right, is it not?

Mr. ZIMMERMAN. The journal does not go into the——

Senator POMERENE. Let me ask, so that I will understand the journal——

Mr. LITTLEFIELD. I am going to put the journal in.

Senator POMERENE. I understand. I want to know now whether the journal shows how each member voted, or whether it just gives the totals?

Mr. LITTLEFIELD. No; I will show just what the journal does show.

The fact is, Mr. Zimmerman, that the roll call was completed, and that after it was completed Mr. Buslett rose in his place and called attention to the fact that he was paired with Mr. Brown, and inquired whether Mr. Brown had voted. That is right, is it not?

Mr. ZIMMERMAN. Since you have let me see the journal, I do not think so.

Mr. LITTLEFIELD. Your recollection before you saw the journal was that it was so, was it not?

Mr. ZIMMERMAN. But the journal——

Mr. LITTLEFIELD. Just a minute. Did you not testify here a minute ago, when I first asked you about it, that Mr. Buslett did not withdraw his vote until the roll call was completed? Did you not make that statement?

Mr. ZIMMERMAN. I think I did.

Mr. LITTLEFIELD. That was in accordance with your recollection, was it not?

Mr. ZIMMERMAN. At that time.

Mr. LITTLEFIELD. You intended to state it as it was?

Mr. ZIMMERMAN. Yes; that is what I wanted to say.

Mr. LITTLEFIELD. That is what you really mean to say now, is it not?

Mr. ZIMMERMAN. No; I do not.

Mr. LITTLEFIELD. Very well. Let me call your attention to the fact that there is not a thing on this record that indicates the contrary; and I will read all that the record shows.

In the first place, the record shows on page 382 the names of the various members voting for Senator Stephenson on March 3, and they aggregate 62. Mr. Buslett's name does not appear in that list.

The next thing that follows after the list of men voting for Senator Stephenson is:

The following voted for Neal Brown: Messrs.—
giving their names.

The following voted for Jacob Rummel—
giving their names. We will have the whole record before us later. And then comes this remark:

During the ballot the following remarks were made by various members:

“Mr. HAIGHT. Mr. President, I have been accused of unfaithfulness. I desire at this time to go back to my first love. I now vote for Mr. L. H. Bancroft.

“Mr. BUSLETT. Mr. President, may I ask whether Senator Brown has voted?

“Chief Clerk C. E. SHAFFER. He has not.

“Mr. BUSLETT. Well, then my vote should not be recorded. I paired with him.

“The PRESIDENT. Your ballot fails to elect.”

That is what the record shows. The statement of Mr. Buslett was immediately preceding the statement made by the presiding officer that the ballot failed to elect.

The CHAIRMAN. The presiding officer said “Your ballot fails to elect?”

Mr. LITTLEFIELD. Yes, that is what he said, “Your ballot fails to elect.” He did not mean, of course, Buslett's ballot; he meant the ballot of the joint assembly.

The CHAIRMAN. He was addressing the house, the assembly.

Mr. LITTLEFIELD. Oh, I presume so.

The CHAIRMAN. Yes. I wanted to get his language. It sounded rather ambiguous.

Mr. LITTLEFIELD. That is what he said.

The CHAIRMAN. He was addressing the body.

Mr. LITTLEFIELD. On the preceding day he said that the result showed a failure to elect. I suppose he had no special form by which he announced it. He probably meant by that that the ballot of the joint assembly failed to elect.

(To the witness:) Were there any other pairs upon the question of electing a United States Senator, so far as you remember, in the joint convention? To be frank about it, I will say I have not had a chance to look through it yet to ascertain.

Mr. ZIMMERMAN. Yes; I want to be frank with you. There were pairs, but I can not tell what they were.

Mr. LITTLEFIELD. Can you give me any idea as to when, and the names of the men, so that I may look them up?

Mr. ZIMMERMAN. No; I can not.

Mr. LITTLEFIELD. On this particular day, March 3—and if you desire it I will have you look at it—nothing appears in the record to indicate that any notice had been given of this pair between Mr. Buslett and Mr. Brown prior to the time when Mr. Buslett made the statement calling the attention of the president to the fact that he was paired. That is true, is it not?

Mr. ZIMMERMAN. That is true. It is also true that there were six or eight men missing, and possibly those six or eight were paired with one another. I do not know.

Mr. LITTLEFIELD. Nothing shows about that. You are not able to give me, from recollection, the names of any other men who were at any time paired on the question of Senatorship?

Mr. ZIMMERMAN. No; I can not do it.

Mr. LITTLEFIELD. Is it your recollection that that did occur in a number of instances?

Mr. ZIMMERMAN. That men were paired?

Mr. LITTLEFIELD. Yes—on the senatorial vote.

Mr. ZIMMERMAN. Yes; certainly.

Mr. LITTLEFIELD. So that the fact of pairing was by no means anything unusual or extraordinary?

Mr. ZIMMERMAN. There was nothing unusual about that.

Mr. LITTLEFIELD. Do you recollect ever having heard the clerk of the joint convention announce, in advance of a roll call, any pairs between members of the joint convention on the question of the senatorship?

The CHAIRMAN. You are confining that to the joint convention?

Mr. LITTLEFIELD. Yes, Mr. Chairman. The question is whether Mr. Zimmerman remembers ever having heard the clerk announce the fact that there were pairs upon the question of the senatorial vote? I have not had time to go over this matter in detail. I do not find anything of the sort; but still, there may have been.

Do you recollect anything of that kind?

Mr. ZIMMERMAN. I do not recollect an instance when the chief clerk announced pairs on the senatorship.

Mr. LITTLEFIELD. Then whatever the rule may have been, you are not now prepared to say that at any time any such announcement was made?

Mr. ZIMMERMAN. I am not prepared to say that such an announcement was ever made.

Mr. LITTLEFIELD. Can you give the subcommittee any idea of the number of instances that came to your notice in which pairs were made? Of course I understand that there may have been pairs that you did not know anything about. But can you now give the subcommittee any idea as to how many instances came to your notice where pairs were had in connection with the senatorial vote? That is, I should like to see about how frequently that was going on, to your knowledge.

Mr. ZIMMERMAN. I do not think that would be very hard to show. I suppose there was somebody paired every day.

Mr. LITTLEFIELD. Your impression would be that there was a pair substantially every day?

Mr. ZIMMERMAN. Oh, yes; I think so.

Mr. LITTLEFIELD. One or more pairs every day?

Mr. ZIMMERMAN. I think so.

Mr. LITTLEFIELD. So that the fact of pairing, dissociated from other circumstances, would not attract attention to it?

Mr. ZIMMERMAN. There was nothing unusual about that.

Mr. LITTLEFIELD. You say you remember Dr. Eddie Leroy talking to Dr. Hoyt on one day, and asking him to get up and change his vote?

Mr. ZIMMERMAN. I remember that.

Mr. LITTLEFIELD. Was Leroy a member of the assembly?

Mr. ZIMMERMAN. Yes, sir.

Mr. LITTLEFIELD. And was Dr. Hoyt also a member of the assembly?

Mr. ZIMMERMAN. Yes, sir.

Mr. LITTLEFIELD. The conversation referred to was conversation between them as members?

Mr. ZIMMERMAN. No; it was a conversation between them after the vote in the joint assembly had been taken, but before it had been announced.

Mr. LITTLEFIELD. It was before the result had been announced?

Mr. ZIMMERMAN. It was before the result had been announced.

Mr. LITTLEFIELD. And it was at a time when it would have been competent, as you understood it, for Mr. Hoyt to have changed his vote, if he saw fit to do so?

Mr. ZIMMERMAN. Oh, yes; he might have changed his vote.

Mr. LITTLEFIELD. There was no improper consideration suggested, or anything of that sort?

Mr. ZIMMERMAN. Oh, nothing. They were right across the aisle from me, and I could hear distinctly what was being said.

Mr. LITTLEFIELD. And there was nothing in that conversation that in your judgment was the subject of criticism? It was simply an effort on the part of one man to persuade another one to act with him? That was all there was to it; was it not?

Mr. ZIMMERMAN. Yes. I think Eddie Leroy was very anxious to see the Senator elected right away.

Mr. LITTLEFIELD. You would not go so far as to say that it was not proper for him to urge that action on the part of another member, would you?

Mr. ZIMMERMAN. Well, there was something suggestive in the remark that he would stick by him. Just how much that might carry with it, I do not know.

Mr. LITTLEFIELD. Is your recollection distinct as to what occurred on the occasion of the 4th of March?

Mr. ZIMMERMAN. Yes; fairly distinct.

Mr. LITTLEFIELD. Were you taking a special part in the matter of preventing the election of Senator Stephenson?

Mr. ZIMMERMAN. Was I making special efforts?

Mr. LITTLEFIELD. Yes. Were you specially active in the matter of preventing the election of Senator Stephenson?

Mr. ZIMMERMAN. No. I think there is no question about that. I think I can very safely answer that "no."

Mr. LITTLEFIELD. Were you not chairman of the committee that was called the steering committee?

Mr. ZIMMERMAN. Perhaps I was. I had forgotten that.

Mr. LITTLEFIELD. And the object of the steering committee was to steer the fellows either out or in so as to prevent the election of Senator Stephenson?

Mr. ZIMMERMAN. We tried to keep track of where the men were.

Mr. LITTLEFIELD. Was not that really the object of the steering committee, along at the latter end—to steer them either out or in, as it might be necessary, in order to prevent the election of the Senator? Was not that, in substance, the method adopted by the steering committee during the very last days?

Mr. ZIMMERMAN. I think that during two days the steering committee did that.

Mr. LITTLEFIELD. At least two days?

Mr. ZIMMERMAN. At least two days.

Mr. LITTLEFIELD. And you were chairman of that committee?

Mr. ZIMMERMAN. That is the way I remember it.

Mr. LITTLEFIELD. And as such you were taking an active and energetic part, were you not?

Mr. ZIMMERMAN. I was interested—very much interested.

Mr. LITTLEFIELD. You were doing the best you could, were you not?

Mr. ZIMMERMAN. I was doing the very best I could.

Mr. LITTLEFIELD. And you were doing everything you could think of to bring about the result, or to prevent the result? I will put it that way. Were you not doing everything you could think of that was legitimate to prevent the result?

Mr. ZIMMERMAN. I was doing everything that I could to prevent this investigation ever getting to the United States Senate.

Mr. LITTLEFIELD. Was it to prevent the investigation getting to the United States Senate?

Mr. ZIMMERMAN. Yes. I thought——

Mr. LITTLEFIELD. How were you going to accomplish that by defeating the Senator?

Senator POMERENE. The witness was about to make some explanation.

Mr. ZIMMERMAN. Yes. While, of course, there was no way for anybody at that time to know that this investigation was going first to leave the joint committee, and then go to the senate committee, and then go to the United States Senate, still I want you to understand very distinctly that my only purpose in ever voting against Senator Stephenson during the time of an investigation was to determine whether or not Senator Stephenson could be sent to Washington by the State of Wisconsin and when he got there represent the State with any honor, either to himself or to the Badger State.

Mr. LITTLEFIELD. That is in the case. You exerted yourself as vigorously as you knew how to accomplish this result that you had in mind, did you not?

Mr. ZIMMERMAN. I admit having done the best I could to keep the members together.

Mr. LITTLEFIELD. And under those circumstances you were especially anxious to keep track of all of the details and of every development that had any relation to the matter?

Mr. ZIMMERMAN. That is true.

Mr. LITTLEFIELD. And that is the reason why you not only took an interest in the matter, but watched these details and charged your memory with them? Is that not right?

Mr. ZIMMERMAN. Yes. I took notice of them particularly.

Mr. LITTLEFIELD. I say that is the reason you charged your memory with these details and endeavored to charge your memory with them accurately? Is not that true?

Mr. ZIMMERMAN. I should not like to have you suggest that I would forget everything else; but then I did the best I could.

Mr. LITTLEFIELD. Oh, I do not mean that. I do not mean that you necessarily made your mind a blank on all other matters; but what I mean is you were directing your special attention to this subject matter for the purpose of keeping advised and remembering accurately the details connected with it. That is a fair statement, is it not?

Mr. ZIMMERMAN. I do not think I charged my memory with the details of that election any more than I charged my memory with any other duty.

Mr. LITTLEFIELD. Would you not charge your memory with details in connection with developments that tended in one way or another to affect the regularity of the election? You were there for that purpose and you were taking a very active part. Would you not charge your memory with knowledge of the details involved in every development that had any connection with or relation to the regularity or propriety of the election?

Mr. ZIMMERMAN. Oh, it may be true that those things made a greater impression on my mind than some others.

Mr. LITTLEFIELD. How long had you known Mr. White, in March, 1909?

Mr. ZIMMERMAN. I do not think I knew Mr. White until we got to Madison.

Mr. LITTLEFIELD. How many times had you met him before you saw him on the occasion when you heard him make the remark that you have repeated?

Mr. ZIMMERMAN. I suppose I saw Mr. White every day.

Mr. LITTLEFIELD. Did you see him every day to speak to him?

Mr. ZIMMERMAN. No; I did not speak to Mr. White every day.

Mr. LITTLEFIELD. Have you known him since?

Mr. ZIMMERMAN. I have seen him in Milwaukee a number of times.

Mr. LITTLEFIELD. Are you well acquainted with him?

Mr. ZIMMERMAN. No; I would not say that I am well acquainted with him. I never knew the man until I went to Madison.

Mr. LITTLEFIELD. Would you have any difficulty in recognizing him?

Mr. ZIMMERMAN. To-day?

Mr. LITTLEFIELD. Yes.

Mr. ZIMMERMAN. No, sir.

Mr. LITTLEFIELD. Did you meet him last Friday in this room?

Mr. ZIMMERMAN. Yes, sir.

Mr. LITTLEFIELD. Did you recognize him then?

Mr. ZIMMERMAN. Yes; I recognized him then.

Mr. LITTLEFIELD. Did you call him by his own name?

Mr. ZIMMERMAN. I called him "Mr. Knell" first, and then called him "Mr. White."

Mr. LITTLEFIELD. When you first saw him you thought he was Mr. Knell, did you not?

Mr. ZIMMERMAN. I did not say that I thought he was Mr. Knell; but I had Mr. Knell and Mr. White confused.

Mr. LITTLEFIELD. What did you say when you first saw him? You addressed him as "Mr. Knell," did you not?

Mr. ZIMMERMAN. No, sir.

Mr. LITTLEFIELD. What did you say to him when you first saw him Friday?

Mr. ZIMMERMAN. I said, "How do you do, Mr. Former Sheriff of Milwaukee County?" He looked very much surprised and said, "What do you mean?" I said, "Were you not sheriff of Milwaukee County?" He said, "No." I said, "That is right. You are not Knell. You are White." I think that happened on Friday.

Mr. LITTLEFIELD. When you first saw him you thought he was Mr. Knell, did you not?

Mr. ZIMMERMAN. That is right; I thought he was Knell. I had Knell and White confused.

Mr. LITTLEFIELD. Apparently you had.

In reference to Mr. Farrell's leaving the assembly hall at the time of the joint convention on March 4, 1909, I will read what you stated to the subcommittee on your direct examination:

The CHAIRMAN. At what stage of the proceedings did he leave [referring to Farrell]; during the roll call or before?

Mr. ZIMMERMAN. The roll call was in progress.

The CHAIRMAN. Let us be definite about that. The roll call was in progress when Mr. Farrell left the chamber, was it?

Mr. ZIMMERMAN. Yes, sir.

The CHAIRMAN. That was the roll call for the election of a Senator, was it?

Mr. ZIMMERMAN. Yes, sir.

The CHAIRMAN. Is your recollection distinct as to these occurrences?

Mr. ZIMMERMAN. Why, Senator, I was rather delegated to watch—and so forth.

Then you go on with a statement in relation to that.

That was your recollection, was it, when you made those answers?

Mr. ZIMMERMAN. Yes, sir.

Mr. LITTLEFIELD. How long had that been your recollection as to the time when Mr. Farrell left the assembly chamber? Have you so recollected it from the beginning?

Mr. ZIMMERMAN. That is the first time that I have been asked that question since I appeared before the senate investigating committee at Madison.

Mr. LITTLEFIELD. But I do not ask you that. What I ask you now is whether this statement that you now make and repeat two or three times to the chairman is in accordance with your recollection from the beginning?

Mr. ZIMMERMAN. The gentleman knows that my testimony before the senate committee—

Mr. LITTLEFIELD. I am not asking about that. I simply ask you the simple question whether this statement that you make and repeat two or three times to the committee is in accordance with your recollection from the beginning. That is a simple question.

Mr. ZIMMERMAN. Yes; I want to answer you just as simply.

Mr. LITTLEFIELD. I am going a little bit further in a moment, and I would like to have you say now whether or not you have so recollected it. If you have not, I suppose there is no harm in your saying so. If it is a fact that you have so recollected it, there is no harm in your saying that.

Mr. ZIMMERMAN. Let me tell you—

Mr. LITTLEFIELD. I will come along with the whole business later. You will have an opportunity to answer the whole matter.

Mr. ZIMMERMAN. Good.

Mr. LITTLEFIELD. All I want to know now is whether you are prepared to say that this statement that you now make to the committee has been your recollection from the beginning. If it has, that is one thing. If it has not, that is another thing.

Mr. ZIMMERMAN. No. If you please, Mr. Littlefield, I think that perhaps I was two minutes out on that testimony.

Mr. LITTLEFIELD. In order to be entirely frank with you, let me call your attention to this: Before the senate committee, it appears from the report that you testified as follows, on page 558; and I ask you whether or not it is in accordance with your recollection:

Q. Did Ramsey go out alone?—A. I think the three of them went out together, as near as I can remember it.

Q. Just before the balloting began?—A. Just as soon as the senate got into the assembly chamber.

Q. They waited until the senate came in, did they?—A. Oh, yes; they had to wait that long.

My first question is: Did you so testify before the senate committee as I have just read? That calls for the question as to whether you recollect whether you did or not. Did you make that statement in answer to those questions?

Mr. ZIMMERMAN. Are you reading from my testimony?

Mr. LITTLEFIELD. Yes.

Mr. ZIMMERMAN. Then I must have.

Mr. LITTLEFIELD. Do you now remember whether you did or not testify, as I have just read, quoting from your testimony?

Mr. ZIMMERMAN. That covers the ground generally. Whether or not I used those words, I can not exactly remember. I suppose the reporter was right.

Mr. LITTLEFIELD. My question is whether you now remember that, before the senate investigating committee, you testified as your answers indicate and as I have read them. In the first place, do you remember whether you did or not?

Mr. ZIMMERMAN. I remember that I testified before that committee; yes, sir.

Mr. LITTLEFIELD. Do you remember whether you said:

Just as soon as the senate got into the assembly chamber?

Do you now remember whether you said that or not?

Mr. ZIMMERMAN. I should not like to say that I did.

Mr. LITTLEFIELD. Will you say that you did not?

Mr. ZIMMERMAN. No; I will not.

Mr. LITTLEFIELD. Then the question is:

Q. They waited until the senate came in, did they?—A. Oh, yes, they had to wait that long.

Do you remember now whether you made that statement?

Mr. ZIMMERMAN. I certainly made that statement, in substance.

Mr. LITTLEFIELD. You did?

Mr. ZIMMERMAN. Yes.

Mr. LITTLEFIELD. Was the statement true when you said, in substance, "They left just as soon as the senate got into the assembly chamber." Was that statement true?

Mr. ZIMMERMAN. They could not have left very long after; so that statement must be almost true, as I said before, within a minute or two.

Mr. LITTLEFIELD. The question is:

Just before the balloting began?

And your answer was:

Just as soon as the senate got into the assembly chamber.

My question is: Is that statement true?

The CHAIRMAN. Has not the witness already answered the question, Mr. Littlefield?

Mr. LITTLEFIELD. I do not think he has.

(By request of the chairman, the reporter repeated the question and answer referred to, as follows:)

Mr. LITTLEFIELD. Was the statement true, when you said, in substance, "They left just as soon as the senate got into the assembly chamber." Was that statement true?

Mr. ZIMMERMAN. They could not have left very long after; so that statement must be almost true, as I said before, within a minute or two.

The CHAIRMAN. Is not that an answer to the question?

Mr. LITTLEFIELD. No, Mr. Chairman; I do not think it is.

Is that the best answer you can give, Mr. Zimmerman, to say that it is almost true?

The CHAIRMAN. In what way is the answer of the witness defective?

Mr. LITTLEFIELD. He says that it was almost true.

The CHAIRMAN. Of course we are simply taking up time by repeating it.

Mr. LITTLEFIELD. Precisely. You realize, Mr. Chairman, that the point of time is a very important matter here. It is essential for me to probe the recollection of the witness in regard to the matter.

The CHAIRMAN. The time when they left would become important.

Mr. LITTLEFIELD. Yes. That is precisely what I am questioning him about.

Is that the best you can say about that—that your sworn testimony, given before the senate committee, was almost true?

Mr. ZIMMERMAN. I would like to have my answer read.

(The reporter read the answer referred to, as follows:)

Mr. ZIMMERMAN. They could not have left very long after; so that statement must be almost true, as I said before, within a minute or two.

Mr. ZIMMERMAN. Would I say, now, that my testimony was almost true, or——

Mr. LITTLEFIELD. I am asking you——

The CHAIRMAN. Let the witness answer that question. It is necessary to connect the testimony.

(By request, the reporter again repeated the question and answer, as follows:)

Mr. LITTLEFIELD. Was the statement true, when you said, in substance: "They left just as soon as the senate got into the assembly chamber"? Was that statement true?

Mr. ZIMMERMAN. They could not have left very long after; so that statement must be almost true, as I said before, within a minute or two.

The CHAIRMAN. The witness was proceeding to make a statement, and I desire him to finish it.

Mr. LITTLEFIELD. Well, Mr. Chairman, but——

The CHAIRMAN. There will be no controversy between counsel and the committee as to whether or not a question asked by the committee is proper.

Mr. LITTLEFIELD. Not at all.

The CHAIRMAN. It will stand.

The witness was proceeding to answer that question, and I desire him either to say he has nothing further to say or to finish his answer.

Mr. LITTLEFIELD. That is agreeable to me, Mr. Chairman. I will leave it that way, so that the witness may do what he pleases.

Mr. ZIMMERMAN. I am prepared now to say that the testimony I gave before the State investigating committee was absolutely true, absolutely right; but whether or not I can give to-day the words that I used then, of course I can not say.

Mr. LITTLEFIELD. I will read further from your testimony before the committee:

Q. Did you take notice of Mr. Farrell particularly when he left?—A. Yes, sir.

Q. At what stage of the proceedings did he leave, during the roll call or before?—A. I think it was while the protest was being read.

Did you so testify?

Mr. ZIMMERMAN. Yes, sir.

Mr. LITTLEFIELD. And was that true?

Mr. ZIMMERMAN. Yes, sir.

Mr. LITTLEFIELD. I will ask you this question: Before the senate investigating committee you, in the first place, testified that the three men left as soon as the senate got into the assembly chamber. You next testified that Mr. Farrell left while the protest was being read. You now testify before this committee that Mr. Farrell left while the roll call was in progress. It is important to know exactly when Mr. Farrell did leave. Which of those three statements is true?

Mr. ZIMMERMAN. The time consumed between the time that the senate came into the assembly chamber, between the time that the protest was being read and the time that the balloting was going on, could not have been more than two or three minutes. I do not want to appear here as trying to hedge on my testimony, but if I said three years ago, a month after the occurrence, that Mr. Farrell went out during the reading of the protest, that is what I should have said to-day. I have not read the testimony, however, and I may be out two or three minutes between the times. I would not like to be—

Mr. LITTLEFIELD. Is that the only answer you have to make as to which of those three statements is true?

Mr. ZIMMERMAN. If I had to say to-day which of them is absolutely true I would say the statement I made three years ago—or two years ago—was more nearly correct in point of minutes than my statement to-day.

Mr. LITTLEFIELD. Which one of the statements you made two years ago?

Mr. ZIMMERMAN. Did I make two statements two years ago?

Mr. LITTLEFIELD. You did. You said first that he left as soon as the senate got into the assembly chamber. You next said it was while the protest was being read. Which one of those statements is true?

Mr. ZIMMERMAN. I do not know what to say to you, Mr. Littlefield. There was not a difference of more than a minute or two in the whole thing; and it is apparent from the testimony that the joint assembly was in convention, and balloting. I should not say balloting, but they were in session; I may have used the word "balloting" in one instance, and when my memory was bright and fresh, a month after the event, I may have testified that it was during the reading of the

protest; but it was all so early in the proceedings of this joint convention that I do not know why you hold me down to the minute.

Mr. LITTLEFIELD. Do you recollect any distinction between the senate coming into the assembly chamber, in point of fact, and the reading of the protest? Are not those two separate, distinct, and independent facts?

Mr. ZIMMERMAN. Oh, certainly.

Mr. LITTLEFIELD. Are they not separate and distinct in the matter of their chronology?

Mr. ZIMMERMAN. They are distinct, very distinct.

Mr. LITTLEFIELD. Is that all the answer you have to make to my question as to which of those three statements is true?

Mr. ZIMMERMAN. I would answer it better for you if I knew what you wanted, Mr. Littlefield.

Mr. LITTLEFIELD. All I want to know is whether that is the only answer you have to make.

Mr. ZIMMERMAN. That is the best I can do for you.

Mr. LITTLEFIELD. That is all on that point, then.

Saturday I understood you to say that Mr. Wayland had his arm very tenderly around Mr. Towne when you saw them in the lobby. You said:

They were not walking arm in arm, but Mr. Wayland had his arm very tenderly around Mr. Towne.

I suppose you realize, Mr. Zimmerman, that the accuracy of your recollection as to those details is important, do you not?

Mr. ZIMMERMAN. Yes; I realize the importance of it.

Mr. LITTLEFIELD. And it is important for us to ascertain whether your recollection of those details is or is not accurate?

Mr. ZIMMERMAN. Surely.

Mr. LITTLEFIELD. You said here to the committee:

They were not walking arm in arm, but Mr. Wayland had his arm very tenderly around Mr. Towne.

You told the senate committee this, at page 557:

A. I would like to say, Senator, that the day that Stephenson was elected the appearance of things in the assembly chamber and the smoking room were really interesting to me, with Silas Towne arm in arm with Mr. Wayland, and Farrell up here cornered by Mr. Dick—

I would like to ask you, in the first place, whether that statement that you made to the senate committee was true?

Mr. ZIMMERMAN. Yes, sir.

Mr. LITTLEFIELD. If that is true, that they were walking arm in arm, I would like to ask you why it is that in your statement to the committee here you specifically deny that they were walking arm in arm?

Mr. ZIMMERMAN. Do I?

Mr. LITTLEFIELD. Yes; you do. You specifically state that they were not walking arm in arm, but Mr. Wayland had his arm very tenderly around Mr. Towne. If it is true that they were walking arm in arm, why is it when you come to describe that circumstance to this committee that you start in by denying what you have affirmed before the senate committee?

Mr. ZIMMERMAN. Well, I wish you could understand it the way I do. These men were together, and—

Mr. LITTLEFIELD. I am trying to understand it in accordance with the facts. It is a matter of considerable consequence as to the circumstances under which this affair took place.

The CHAIRMAN. Let the witness finish his answer.

Mr. LITTLEFIELD. Yes.

Mr. ZIMMERMAN. If that is what you want, a statement of facts, I can give it to you. I can tell you——

Mr. LITTLEFIELD. My question is——

The CHAIRMAN. I think the witness understands the question.

Mr. ZIMMERMAN. If you want the facts, I can give them to you.

Senator POMERENE. You have read one answer, Mr. Littlefield, from page 557 of the record of the senate committee, in which Mr. Zimmerman is reported to have said that Mr. Towne and Mr. Wayland were arm in arm. A little further along he qualified that answer; and it seems proper that the exact fact as to what he stated should be recorded. There seemed to be a tender solicitude of some kind.

Mr. LITTLEFIELD. To what does the Senator refer? To this answer further down on the same page?

Senator POMERENE. Yes.

Mr. LITTLEFIELD (reading):

I hadn't ought to say "arm in arm"; but they went out together like old school chums, anyway.

Senator POMERENE. Yes; it seems to me that should also be read, as modifying the statement that Mr. Zimmerman made during his former testimony. You seem to place great stress on the fact that he used the expression "arm in arm." As you will see, he qualified that a little later on in his testimony.

Mr. LITTLEFIELD. He did use it, and then distinctly denied it here before this committee. He put stress on it. I did not put the stress on it.

Senator POMERENE. You are now putting a good deal of stress on it; more, it seems to me, than the importance of the item justifies. I think you and I will agree on that proposition.

Mr. LITTLEFIELD. If I am not pursuing a legitimate line of cross-examination for the purpose of testing the accuracy of the recollection of this witness, I am, of course, in the hands of the committee.

Senator POMERENE. It seems to me it is rather an immaterial matter to consume so much time, and that——

Mr. LITTLEFIELD. I do not think so, Senator, because——

The CHAIRMAN. When a member of the committee is speaking, counsel will allow the member of the committee to finish.

Mr. LITTLEFIELD. That is perfectly proper, Mr. Chairman. I hope Senator Pomerene will excuse me.

Senator POMERENE. Certainly. That was all I cared to state. It is rather an immaterial matter to occupy so much time.

Mr. LITTLEFIELD. The only time I am spending on it, I submit, if the Senator please, is sufficient time to call the attention of the witness to the matter, and then I intend to leave it. I would like to have my question read to him, and then he may answer it any way he likes.

The CHAIRMAN. I desire to take occasion to state a rule of evidence which should be observed, and that is that when a witness

upon the stand is asked as to whether or not he made a statement he is entitled to the benefit of all of the testimony in regard to that statement. In this case, on the same page as the question and answer referred to by counsel, almost immediately following it, is a modification made by this witness. He is entitled to the benefit of that. The rules of evidence do not permit a question that has been corrected by the witness to be asked him again for the purpose of testing the accuracy of his testimony without calling his attention to the fact that he corrected it. There is no better rule of evidence than that in the books. This witness is entitled to have his attention called to the fact that he did correct this expression, as to Mr. Wayland having his arm around Mr. Towne, or around his neck, or whatever it was.

Mr. LITTLEFIELD. I should like to have my question read to the witness.

The CHAIRMAN. The question will be read and the witness will be permitted to answer.

The reporter read the question referred to as follows:

You specifically state that they were not walking arm in arm, but Mr. Wayland had his arm very tenderly around Mr. Towne. If it is true that they were walking arm in arm, why is it, when you come to describe that circumstance to this committee, that you start in by denying what you have affirmed before the senate committee?

Mr. ZIMMERMAN. Having already modified that same answer in the previous investigation, the gentleman knows just what I would say now; that of course they were walking down the aisle, one with his arm over the other's shoulder.

Mr. LITTLEFIELD. You had a conversation with Mr. Domachowski. Did you look upon that as an important conversation?

Mr. ZIMMERMAN. Yes; I considered it very important.

Mr. LITTLEFIELD. Mr. Domachowski told you, in substance, as you understood it, that he had been corruptly approached?

Mr. ZIMMERMAN. Yes; that he had been offered \$1,500.

Mr. LITTLEFIELD. And you understood that to be a corrupt offer for the purchase of his vote?

Mr. ZIMMERMAN. I understood it was.

Mr. LITTLEFIELD. And you understood that statement to be made seriously by Mr. Domachowski?

Mr. ZIMMERMAN. I thought he was serious; yes.

Mr. LITTLEFIELD. I notice in your direct examination you are inquired of as to whether you asked Mr. Domachowski who made the offer to him, and you said he did not tell you, and that you did not ask him?

Mr. ZIMMERMAN. I think that is right. I do not remember having asked him.

Mr. LITTLEFIELD. Did you not look upon it as an important fact to ascertain from him, as to who had made the offer to him?

Mr. ZIMMERMAN. Let me tell you, Mr. Littlefield, Mr. Domachowski was a Democrat and I was a Republican. I was not as well acquainted with him as a good many other members of the legislature were. After he had got through telling me about the offer of \$1,500 to him I went to one of his Democratic associates and told him; and this man immediately went to Mr. Domachowski, and I would suppose—

Mr. LITTLEFIELD. Were you present at the conversation?

Mr. ZIMMERMAN. No, sir.

Mr. LITTLEFIELD. I shall object to the witness stating hearsay on my examination. If you were present, I have no objection to your stating it. If you were not present, I should object to your stating what occurred in your absence. I ask you again: Even though Mr. Domachowski was a Democrat, if a corrupt offer had been made to him, were you not interested in ascertaining from whom that offer came?

Mr. ZIMMERMAN. Perhaps I was interested, but I did not have quite nerve enough to ask the man who offered it to him.

Mr. LITTLEFIELD. You were in that degree of awe of Mr. Domachowski that you did not dare to ask him who made the offer?

Mr. ZIMMERMAN. No.

Mr. LITTLEFIELD. Is that the reason you did not ask him?

Mr. ZIMMERMAN. I do not think so. The size of a man does not scare me to death.

Mr. LITTLEFIELD. I thought not, by your appearance.

Senator POMERENE. There is nothing personal in that remark.

Mr. LITTLEFIELD. Not at all. Why did you not ask him, Mr. Zimmerman? Please go back and place yourself in the situation again, and tell the committee why it was that you did not ask him for that important fact and ascertain the source from which this corrupt offer came.

Mr. ZIMMERMAN. We talked some minutes about it; and I presume—that word “presume” has been used a good many times on the stand—I presume the answers he was giving to what questions I did ask took him further away from the matter of who might have offered the bribe; so that I did not feel justified in asking him.

Mr. LITTLEFIELD. Is that the real reason, then, why you did not ask him from what source this offer came—that you did not, under the circumstances, feel really justified in putting such a question to him?

Mr. ZIMMERMAN. I presume so.

Mr. LITTLEFIELD. That is your recollection, is it?

Mr. ZIMMERMAN. I think so.

Mr. LITTLEFIELD. You can not think of any other reason why you did not ask him that important question?

Mr. ZIMMERMAN. I suppose I would have asked him if it happened to-day.

Mr. LITTLEFIELD. Would you not consider that an extremely important question to ask?

Mr. ZIMMERMAN. Extremely important; and perhaps a little personal.

Mr. LITTLEFIELD. Surely. It was a personal matter. The whole thing was.

You say it would be an extremely important question to ask. I would like to have you refresh your recollection and state, after having done so, whether, as a matter of fact, you did not ask him?

Mr. ZIMMERMAN. I would not like to say that I did not.

Mr. LITTLEFIELD. You would not like to say that you did not?

Mr. ZIMMERMAN. No; I would not.

Mr. LITTLEFIELD. Do you not know that you did?

Mr. ZIMMERMAN. No; I do not know that I did.

Mr. LITTLEFIELD. You are not prepared to swear that you did not?

Mr. ZIMMERMAN. I am not prepared to swear that I did.

Mr. LITTLEFIELD. Is your recollection so indefinite as that about this conversation, as to so important a fact, which you yourself admit was important, that you can not now tell the committee whether or not you did put that question to him?

Mr. ZIMMERMAN. Yes; I have got to admit that I am not in a position now to say whether or not I asked him who made that offer.

Mr. LITTLEFIELD. Is it your best recollection that you did or did not?

Mr. ZIMMERMAN. I am not in a position to say that I did or that I did not.

Mr. LITTLEFIELD. After having just given, as a reason why you did not, the fact that you did not consider it a prudent thing to do under the circumstances, you are not now prepared to say that you did not ask him?

Mr. ZIMMERMAN. Oh, no. Maybe I had more nerve then than I thought I had; or more nerve than I am giving myself credit for having at that time.

Mr. LITTLEFIELD. But you have already given, as a reason why you did not ask it, the fact that you did not have the nerve; and after having given that reason, do you now say that you still may have asked it, notwithstanding the fact that it is your recollection that you did not have the nerve to do so?

Mr. ZIMMERMAN. My recollection on that point is very indefinite. I do not remember whether I asked the man, or whether I did not ask the man. If that sort of thing had happened to-day, I believe I would ask him who made him that offer.

Mr. LITTLEFIELD. Nerve or no nerve?

Mr. ZIMMERMAN. Maybe the record will show that I did ask him. I do not know.

Mr. LITTLEFIELD. Is your recollection about the whole transaction as definite as this that you are now giving in relation to that important point?

Mr. ZIMMERMAN. I know this, that he did not tell me who offered it to him.

Mr. LITTLEFIELD. I am not asking you that, but whether your recollection about the whole conversation is as definite, or as indefinite as it is upon this important point.

Mr. ZIMMERMAN. I remember the facts of the thing.

Mr. LITTLEFIELD. Do you recollect them any more definitely than you do this important phase?

Mr. ZIMMERMAN. We have not got to the rest of it. I do not know. Ask me more about it.

Mr. LITTLEFIELD. The truth about it is that you did ask him?

Mr. ZIMMERMAN. Maybe I did.

Mr. LITTLEFIELD. You will not swear that you did not, will you?

Mr. ZIMMERMAN. No; I will not swear that I did not.

Mr. LITTLEFIELD. What did he say, when you did ask him?

Mr. ZIMMERMAN. He certainly did not tell me, or I never would have forgotten it.

Mr. LITTLEFIELD. Having now refreshed your recollection by the the suggestion that you did ask him, is it now your recollection that you asked him?

Mr. ZIMMERMAN. No; I do not remember having asked him.

Mr. LITTLEFIELD. Was anybody present when this conversation between yourself and Mr. Domachowski took place?

Mr. ZIMMERMAN. As to that, Mr. Littlefield, I can not say positively. I do not remember.

Mr. LITTLEFIELD. Was there not somebody near by?

Mr. ZIMMERMAN. There may have been somebody near by; but whether there was anybody within hearing distance of us, I do not remember.

Mr. LITTLEFIELD. Did you not state, before the Senate committee, that there was somebody, but you could not remember who?

Mr. ZIMMERMAN. Maybe I did.

Mr. LITTLEFIELD. What is your recollection about that?

Mr. ZIMMERMAN. I know, right now, that there was somebody near; but whether he heard it or not, I do not know.

Mr. LITTLEFIELD. You say you know right now that there was somebody near? Who was this somebody that you know was there?

Mr. ZIMMERMAN. Maybe you misunderstand me, Mr. Littlefield. I say right now I know somebody was near; but whether or not anybody was near enough to hear what we were talking about, I do not know.

Mr. LITTLEFIELD. I asked you this: Have you testified that somebody was present, or near enough to hear it?

Mr. ZIMMERMAN. And I have said that I do not remember.

Mr. LITTLEFIELD. Is that what you said?

Mr. ZIMMERMAN. Yes.

Mr. LITTLEFIELD. Let me read what you said. Your recollection now is that you said you did not remember. Is that right?

Mr. ZIMMERMAN. Before this committee?

Mr. LITTLEFIELD. Yes.

Mr. ZIMMERMAN. Before the Senate committee?

Mr. LITTLEFIELD. Yes.

Mr. ZIMMERMAN. I say now I do not remember.

Mr. LITTLEFIELD. Your recollection is that you stated that to them—that you could not remember? Is it?

Mr. ZIMMERMAN. I do not remember that that question was asked.

Mr. LITTLEFIELD. So that you do not remember whether that subject was raised at all?

Mr. ZIMMERMAN. No; I can not say that I remember that the subject was raised at all.

Mr. LITTLEFIELD. You were asked this question:

Who, if anybody, was present when that conversation took place; that is, near enough so as to hear it, I mean?

And you say:

There was somebody, but I have forgotten who it was.

Was there some person near enough to hear it, or was there not; or do you not remember?

Mr. ZIMMERMAN. Yes; I say I do not remember whether there was anybody near enough to hear it or not.

Mr. LITTLEFIELD. Was this statement that you made before the committee true?

Mr. ZIMMERMAN. I was under oath.

Mr. LITTLEFIELD. I am not asking you about that. Was this statement true when you told that to the committee in answer to that

question? I will say that I have run the context down. There may be something that qualifies it, but if there is I have not found it. Was this statement true, when you so testified in answer to the question—

Who, if anybody, was present when that conversation took place; that is, near enough so as to hear it, I mean?

And you say there was somebody, but that you had forgotten who it was. Was that statement true?

Mr. ZIMMERMAN. If I made it, it was true.

Mr. LITTLEFIELD. Of course this printed record shows that you made it. You do not have any doubt that you made it?

Mr. ZIMMERMAN. Not if the record says I made it.

Mr. LITTLEFIELD. Do you want me to show you the record?

Mr. ZIMMERMAN. Oh, no.

Mr. LITTLEFIELD. You did make it, and, therefore, it was true?

Mr. ZIMMERMAN. It must have been true if I said it.

Mr. LITTLEFIELD. If it was true, then somebody was present near enough to hear this conversation? That is true, is it not?

Mr. ZIMMERMAN. That seems to be the record.

Mr. LITTLEFIELD. And when you testified before the committee, you were able to remember that there was somebody there, but you could not tell who it was, and you can not now tell, can you?

Mr. ZIMMERMAN. No; I can not now tell.

Mr. LITTLEFIELD. And you could not tell then?

Mr. ZIMMERMAN. I suppose not, if that is what I said.

Mr. LITTLEFIELD. That is what you did say. Do you have any recollection about that, except as your memory is refreshed by reading this testimony? Do you now have any independent recollection as to whether or not, when this conversation occurred with Mr. Domachowski, there was somebody present near enough to hear the conversation? Do you have any recollection as to that fact?

Mr. ZIMMERMAN. I have no recollection as to that fact now, as to whether or not there was anybody there that heard what Mr. Domachowski said to me. I say to you that there must have been somebody near, because the chamber was undoubtedly full of people. Whether anybody heard it or not I do not know.

Mr. LITTLEFIELD. You know that does not meet the question that I am putting. My question is whether somebody was present near enough to hear it?

Mr. ZIMMERMAN. Yes.

Mr. LITTLEFIELD. You know what I mean by that?

Mr. ZIMMERMAN. I say I do not remember.

Mr. LITTLEFIELD. Oh, you say now that you do not remember?

Mr. ZIMMERMAN. Yes.

Mr. LITTLEFIELD. But you did not say it then.

Mr. ZIMMERMAN. You read that I said there was somebody there, but I did not remember who the man was.

Mr. LITTLEFIELD. Precisely. What I am trying to get at is who this somebody was. That you do not know?

Mr. ZIMMERMAN. I do not know.

Mr. LITTLEFIELD. And you did not then know, or at least you did not state.

You were interviewed by the reporters in relation to the statement of Mr. Domachowski, were you not, at the time or shortly after? At

least, you were interviewed by the reporters in relation to that statement before you testified before the committee, were you not?

Mr. ZIMMERMAN. Oh, I think so.

Mr. LITTLEFIELD. Do you know whether the interview that you gave the reporters was published in the newspapers?

Mr. ZIMMERMAN. Whether or not Mr. Domachowski's name or my name was ever mentioned, I have forgotten; but the incident was reported. That I know.

Mr. LITTLEFIELD. In the paper?

Mr. ZIMMERMAN. I should say it was—one of them. I do not remember. I suppose it was something worth printing.

Mr. LITTLEFIELD. Do you recollect how soon it was published after the conversation took place?

Mr. ZIMMERMAN. Why, that was on the 4th. I suppose the papers of the 5th would have it.

Mr. LITTLEFIELD. So that if anything occurred we could expect to find it in the papers of the 5th?

Mr. ZIMMERMAN. Look in the papers of the 4th or the 5th.

Mr. LITTLEFIELD. And we could find it, I suppose, in the Journal, the Sentinel, or the Free Press?

Mr. ZIMMERMAN. Yes; and the Madison papers were interested in that.

Mr. LITTLEFIELD. I refer now to the Milwaukee papers. Did they have it?

Mr. ZIMMERMAN. Oh, they must have had it.

Mr. LITTLEFIELD. Were you a candidate for reelection?

Mr. ZIMMERMAN. Yes.

Mr. LITTLEFIELD. Were you reelected?

Mr. ZIMMERMAN. No; I was defeated by a Socialist.

Mr. LITTLEFIELD. Was Mr. Leuch a candidate for reelection?

Mr. ZIMMERMAN. Yes.

Mr. LITTLEFIELD. He was also defeated?

Mr. ZIMMERMAN. He was defeated by a Socialist.

Mr. LITTLEFIELD. By what majority, if you remember?

Mr. ZIMMERMAN. In my district it was 20 or 21. I do not know that I ever found out whether it was 20 or 21.

Mr. LITTLEFIELD. That is all.

Senator POMERENE. Respecting your conversation with Mr. Domachowski, I read further from the record; and I want to ask whether this refreshes your memory. I read from page 550 of the Senate Journal:

"What do you mean, \$15?" And he very emphatically replied: "No, I mean that they offered me fifteen hundred dollars to stay out of here to-day." And I said, "Who was it made the offer?" "Well," he said, "I don't think I will tell you;" but he added, "I believe if you got the three fellows on the stand that did stay out, you would find out something."

Does that refresh your memory as to whether or not that occurred?

Mr. ZIMMERMAN. My memory is clear on the point of Domachowski's having told me, and of my surprise in hearing that anybody would offer him \$15, and then his assurance that it was not \$15 but \$1,500; but the matter of having asked him who made the offer I have forgotten.

Senator POMERENE. Did you testify as this reports you to have testified at that time?

Mr. ZIMMERMAN. Yes, sir.

Senator POMERENE. If you did so testify, was it true at that time?

Mr. ZIMMERMAN. Yes.

Senator POMERENE. You say the matter has escaped your memory now?

Mr. ZIMMERMAN. I do not remember about having asked him who it was made that offer.

Senator POMERENE. That is all.

The CHAIRMAN. You are excused.

TESTIMONY OF JOSEPH A. DOMACHOWSKI.

JOSEPH A. DOMACHOWSKI, having been heretofore duly sworn, was examined, and testified as follows:

The CHAIRMAN. You were a member of the legislature in 1909 that elected Senator Stephenson to the United States Senate, were you?

Mr. DOMACHOWSKI. Yes, sir.

The CHAIRMAN. With which political party do you affiliate?

Mr. DOMACHOWSKI. The Democratic.

The CHAIRMAN. You did not vote for Senator Stephenson at any time?

Mr. DOMACHOWSKI. No, sir.

The CHAIRMAN. Were you at any time offered any money or other inducement to absent yourself from the legislature at the time the vote was being taken on the Senatorship?

Mr. DOMACHOWSKI. No, sir.

The CHAIRMAN. Did you at any time state to Mr. Zimmerman or any other person that you had been offered a sum of money to absent yourself from the joint session at which Senator Stephenson was elected?

Mr. DOMACHOWSKI. I am sorry to say I made that statement to Mr. Zimmerman.

The CHAIRMAN. Was the statement true?

Mr. DOMACHOWSKI. No, sir.

The CHAIRMAN. How did you come to make the statement to him?

Mr. DOMACHOWSKI. He was very anxious to know why the three Democrats walked out; and I told him that if he would follow the men and find out from them, perhaps he would learn something; that I was offered fifteen to stay out.

The CHAIRMAN. You say "fifteen." Did you afterwards make that definite, and say fifteen hundred dollars?

Mr. DOMACHOWSKI. He asked me, "What was it—fifteen dollars, or fifteen what?" and I said, "Fifteen hundred dollars."

The CHAIRMAN. You say that was not true?

Mr. DOMACHOWSKI. No, sir.

The CHAIRMAN. No one ever offered you that money for that purpose?

Mr. DOMACHOWSKI. No, sir.

The CHAIRMAN. Or for any other purpose in connection with the election of Senator Stephenson?

Mr. DOMACHOWSKI. No, sir.

The CHAIRMAN. Did you ever make any confession or statement in the nature of a confession to P. J. Watrous, a reporter for the Evening Wisconsin?

Mr. DOMACHOWSKI. I was approached by the reporters, and I told them at that time that I had a conversation about money.

The CHAIRMAN. Was that true?

Mr. DOMACHOWSKI. Yes, sir.

The CHAIRMAN. To what conversation did you refer?

Mr. DOMACHOWSKI. I referred to a conversation that was held on the 3d of March, in the evening, in a saloon.

The CHAIRMAN. With whom was the conversation?

Mr. DOMACHOWSKI. Joseph O'Neil.

The CHAIRMAN. Tell us who he is, where he lives, and what his business is.

Mr. DOMACHOWSKI. I learned that he was a salesman for some liquor house, and lives in Milwaukee.

The CHAIRMAN. What was the conversation?

Mr. DOMACHOWSKI. On March 2 there was a La Crosse paper that had me quoted as staying out of the assembly to elect Senator Stephenson for United States Senator, and it was repeated on March 3. He happened to see the paper, and he asked me whether that was true—that I would stay out and help to elect Senator Stephenson. He asked me in these words: He says, "Joe, how much did it take to turn you over?" I said, "Fifteen hundred." He said, "Is that so?" I said, "Yes." He said, "Well, I could fix you up better than that." I said, "Go ahead." He said, "What will you have?" and we had something at that time.

The CHAIRMAN. For whom was this man speaking, or whom was he supporting?

Mr. DOMACHOWSKI. I do not know, to this very day.

The CHAIRMAN. Have you ever seen O'Neil since that time?

Mr. DOMACHOWSKI. I have passed him here in the city once or twice.

The CHAIRMAN. Did you ever have a conversation with him about it?

Mr. DOMACHOWSKI. No, sir.

The CHAIRMAN. Did you ever tell him that you were jesting when you talked with him about that?

Mr. DOMACHOWSKI. No, sir; I have never talked with him since.

The CHAIRMAN. Were you jesting, or did you have the price of \$1,500?

Mr. DOMACHOWSKI. I was joking there.

The CHAIRMAN. When you talked to the reporters, did you tell them you had been jesting when you spoke to Zimmerman about it?

Mr. DOMACHOWSKI. No, sir.

The CHAIRMAN. So you left them under the impression that you had been offered \$1,500; did you?

Mr. DOMACHOWSKI. I told them I had talked about money.

The CHAIRMAN. My question is more direct than that. Did you tell them that you had been offered any sum of money to stay out of the joint session, or for any other purpose in connection with the Stephenson election?

Mr. DOMACHOWSKI. No, sir.

The CHAIRMAN. Did they ask you whether or not you had been offered any sum of money?

Mr. DOMACHOWSKI. They did.

The CHAIRMAN. What did you say?

Mr. DOMACHOWSKI. All I said was that I had some conversation about money.

The CHAIRMAN. To what conversation did you refer?

Mr. DOMACHOWSKI. The conversation of March 3.

The CHAIRMAN. With O'Neil?

Mr. DOMACHOWSKI. With O'Neil.

The CHAIRMAN. I have asked you in regard to Watrous. I will ask you in regard to any conversation you had with W. M. Powell, a reporter for the Journal. Was he present at this conversation that you had with Watrous?

Mr. DOMACHOWSKI. Yes, sir.

The CHAIRMAN. So the conversation you had was the same with both of them, or did you have a separate and different conversation with one from that which you had with the other?

Mr. DOMACHOWSKI. No; there were three or four of them there.

The CHAIRMAN. Was Winters Everett, a reporter for the News, one of them?

Mr. DOMACHOWSKI. Yes; he was present.

The CHAIRMAN. They were all together. So what you say in regard to the conversation with one applies to all of them?

Mr. DOMACHOWSKI. Yes, sir.

The CHAIRMAN. You were trying to stand by your story to Zimmerman as long as you could, were you, to let yourself out of it easily? Is that the real facts of the case when you said in an ambiguous way that you had had a talk about money?

Mr. DOMACHOWSKI. I said it in a joking way; yes, sir.

The CHAIRMAN. Was it true that you had had any talk about money except this talk with O'Neil in this saloon?

Mr. DOMACHOWSKI. That is the only talk I ever had; yes, sir.

The CHAIRMAN. Was that the talk to which you were referring when you were speaking with the reporters?

Mr. DOMACHOWSKI. Yes, sir.

The CHAIRMAN. Let us make this more specific: Do you now swear that you never were offered any money or other valuable consideration by any person, at any time, as an inducement to support Senator Stephenson in any manner whatever?

Mr. DOMACHOWSKI. Yes.

The CHAIRMAN. To do or refrain from doing anything that would inure to the benefit or success of Senator Stephenson?

Mr. DOMACHOWSKI. Yes.

The CHAIRMAN. So that all of this record in regard to your having been approached in a corrupt manner or for corrupt purposes is without any foundation, is it?

Mr. DOMACHOWSKI. Yes.

The CHAIRMAN. What is your business?

Mr. DOMACHOWSKI. I am probation officer of the juvenile court in Milwaukee County.

The CHAIRMAN. Do you hold that appointment by election?

Mr. DOMACHOWSKI. No; by appointment of all of the judges of record, by examination.

The CHAIRMAN. All of the judges of record in the county?

Mr. DOMACHOWSKI. In the county.

The CHAIRMAN. They have joined in appointing you the probation officer of the juvenile court?

Mr. DOMACHOWSKI. Yes.

The CHAIRMAN. And you have been intrusted with that duty by those judges?

Mr. DOMACHOWSKI. Yes, sir.

The CHAIRMAN. Is your appointment for a definite length of time, or are you subject to removal?

Mr. DOMACHOWSKI. I am subject to removal by the judges.

The CHAIRMAN. You indulged in rather a serious piece of facetiousness, did you, when you were talking with Mr. Zimmerman about the \$1,500? That is, it proved to be more serious than you thought it would when making the statement?

Mr. DOMACHOWSKI. It did; yes, sir.

The CHAIRMAN. Did you tell C. L. Pearson, a member of the assembly, anything about receiving or being offered money?

Mr. DOMACHOWSKI. He came up about an hour after that and asked me whether that was true. He said that Zimmerman told him I was offered \$1,500, and asked whether that was true.

The CHAIRMAN. What did you say to him?

Mr. DOMACHOWSKI. I said "sure," or was it "yes"? I do not remember which remark I used, but something to that effect.

The CHAIRMAN. C. L. Pearson, on pages 2124 and 2125 of the Senate Journal, testifies relative to this matter. He says he was at Madison in attendance on the legislature on March 4, 1909. He was asked:

Q. Did you on that day hear anything in regard to Mr. Domachowski having received an offer from the Stephenson people?—A. Yes, sir.

Q. Please state what you know about that, and what you heard about that.—A. I heard a rumor about it and asked Mr. Zimmerman and he told me what he knew about it. It was about 2 o'clock in the afternoon of March 4, up in the assembly chamber, and I saw Mr. Domachowski there on the other side of the room, and I went to him and asked him if it was a fact that he had received an offer to stay out of the room.

Q. Where was this that you saw Mr. Domachowski?—A. In the assembly chamber.

Q. Yes.—A. I asked him if he had received an offer, or if it was a fact that he had received an offer to stay out of the room on that day while the vote was being taken, and he said it was; and I says, "What was the amount?" And he said, "\$1,500." And I said, "That ought to be known." He said, "I don't care to go any further with it, because it might bring in a friend of mine; it would bring in a friend of mine."

Did you have that conversation with this gentleman, Mr. Pearson?

Mr. DOMACHOWSKI. Yes, sir.

The CHAIRMAN. To what friend did you refer—the one that you have spoken of as having met in the saloon?

Mr. DOMACHOWSKI. Yes; Joe O'Neil.

The CHAIRMAN. You did not care to have it known that you had accepted the offer on that occasion, or that he had accepted yours. Whose offer was it—to take a drink?

Mr. DOMACHOWSKI. He offered the first drink.

The CHAIRMAN. Did you refer to that as the offer that you had accepted?

Mr. DOMACHOWSKI. That is the conversation that I referred to; yes, sir.

The CHAIRMAN. In other words, you were whittling the whole circumstance out to an absurdity by referring to a conversation so trivial as that about taking a drink in a saloon?

Mr. DOMACHOWSKI. Yes, sir.

The CHAIRMAN. So that about 2 o'clock, which would be about two hours after the meeting in the joint assembly, you were still keeping up this joke about having been offered \$1,500, were you?

How long did you keep up that joke? Who was the last man to whom you told that?

Mr. DOMACHOWSKI. Senator Pearson.

The CHAIRMAN. That was the end of the whole circumstance?

Mr. DOMACHOWSKI. Yes, sir.

The CHAIRMAN. Did these reporters interview you after or before your conversation with Mr. Pearson?

Mr. DOMACHOWSKI. It was after.

The CHAIRMAN. That night?

Mr. DOMACHOWSKI. No; that afternoon.

The CHAIRMAN. At the assembly room?

Mr. DOMACHOWSKI. Downstairs at the investigating committee room.

The CHAIRMAN. In the capitol building?

Mr. DOMACHOWSKI. Yes.

The CHAIRMAN. The investigating committee was in session at that time, was it?

Mr. DOMACHOWSKI. I believe they were.

The CHAIRMAN. And you went down there, and these reporters came down and hunted you up?

Mr. DOMACHOWSKI. We met there.

The CHAIRMAN. They came where you were. You did not go where they were?

Mr. DOMACHOWSKI. I went down to the committee room.

The CHAIRMAN. Why did you go down there?

Mr. DOMACHOWSKI. To listen to the investigation.

The CHAIRMAN. The reporters came to you and indicated that they wanted to interview you in regard to this matter, did they?

Mr. DOMACHOWSKI. Yes.

The CHAIRMAN. They have testified as to what you said about that, and I will later call your attention to it.

The hour of recess has arrived, and the committee will stand in recess until 2 o'clock p. m.

Whereupon, at 12 o'clock and 30 minutes p. m., the subcommittee took a recess until 2 o'clock p. m.

AFTER RECESS.

The recess having expired, the subcommittee reassembled.

Senator POMERENE. Before that little book is taken away, there is another paragraph in it that perhaps ought to go into the record, providing that where these rules do not apply the Jefferson Manual shall be followed.

Mr. LITTLEFIELD. Yes; I noticed that.

Senator POMERENE. I will insert in the record rule 108 of the legislative manual of Wisconsin for 1911, which reads as follows:

Jefferson's Manual—Rules of practice.—The rules of parliamentary practice comprised in Jefferson's Manual shall be the standard in all cases to which they are applicable and in which they are not inconsistent with these rules.

(The names of Thomas H. Sanderson and Edward Hines were called; and Mr. Sanderson responded.)

The CHAIRMAN. Mr. Hines will be the next witness after this one. Please ascertain where he is.

Mr. BLACK. I understood his train would reach the city at 2.05.

TESTIMONY OF J. A. DOMACHOWSKI—Resumed.

Senator POMERENE. You were a member of the general assembly in 1909?

Mr. DOMACHOWSKI. Yes, sir.

Senator POMERENE. You realized, did you not, that for a considerable time prior to March 4 there was a good deal of unpleasant talk about the election of a United States Senator?

Mr. DOMACHOWSKI. Yes.

Senator POMERENE. And you realized that when these three men had absented themselves there was more or less talk of corruption and fraud in connection with the election?

Mr. DOMACHOWSKI. That was the general rumor.

Senator POMERENE. You heard it?

Mr. DOMACHOWSKI. Yes, sir.

Senator POMERENE. And you regarded the election of a United States Senator as one of the most solemn duties you had to perform?

Mr. DOMACHOWSKI. Yes, sir.

Senator POMERENE. It was a matter that involved the honor of the State of Wisconsin, which you represented in the assembly?

Mr. DOMACHOWSKI. Yes, sir.

Senator POMERENE. It was a pretty serious matter to joke about, was it not?

Mr. DOMACHOWSKI. It was.

Senator POMERENE. These newspaper men who came to you were reputable men here in the State, were they not?

Mr. DOMACHOWSKI. I think so.

Senator POMERENE. Men of high class?

Mr. DOMACHOWSKI. I think so.

Senator POMERENE. And when they came to you they were pursuing the duties of their calling in a legitimate way, to ascertain what you knew about it?

Mr. DOMACHOWSKI. Yes, sir.

Senator POMERENE. Nevertheless, you joked with them about it?

Mr. DOMACHOWSKI. Yes.

Senator POMERENE. When Mr. Zimmerman spoke to you on the subject, he was a member of the house, as well as yourself?

Mr. DOMACHOWSKI. Yes, sir.

Senator POMERENE. And he was interested in sustaining the honor and integrity of the general assembly and of the election of a United States Senator, was he not?

Mr. DOMACHOWSKI. Yes, sir.

Senator POMERENE. It was a perfectly legitimate inquiry for him to make of you as to the reason why these people had absented themselves, was it not?

Mr. DOMACHOWSKI. I think so.

Senator POMERENE. Notwithstanding all of that, you thought it was perfectly legitimate for you to suggest that you had been offered a bribe?

Mr. DOMACHOWSKI. I did not at that time; no, sir.

Senator POMERENE. And when there was the talk going on about these three other men having received bribes to remain away from the legislative session, did you not understand that that was a pretty serious charge to be made against a legislator?

Mr. DOMACHOWSKI. Yes, sir.

Senator POMERENE. And afterwards, when Mr. Pearson talked with you on this subject, he was entirely sincere and earnest when he asked you the question, was he not?

Mr. DOMACHOWSKI. I think so.

Senator POMERENE. Nevertheless, you attempted to carry on this joke with him?

Mr. DOMACHOWSKI. I did.

Senator POMERENE. When did you make up your mind that you were carrying this joke a little too far?

Mr. DOMACHOWSKI. Oh, I thought so when the reporters interviewed me.

Senator POMERENE. You said nothing to them about it?

Mr. DOMACHOWSKI. I told them that I had some conversation about money.

Senator POMERENE. You did not tell them the details of it?

Mr. DOMACHOWSKI. No, sir.

Senator POMERENE. You did not say to them, or to any of them, that it was all a joke, did you?

Mr. DOMACHOWSKI. No, sir.

Senator POMERENE. And you did not tell your friend Neill that it was a joke; did you?

Mr. DOMACHOWSKI. Who?

Senator POMERENE. Was it "O'Neill"?

Mr. LITTLEFIELD. Do you mean this man called "Joe," whoever it is?

Senator POMERENE. Yes.

Mr. DOMACHOWSKI. Why, that was on the 3d of March.

Mr. LITTLEFIELD. The preceding day.

Senator POMERENE. That was the preceding day, was it?

Mr. LITTLEFIELD. Yes; the preceding day.

Senator POMERENE. I was mistaken about it, then. You had a second talk with Mr. Pearson; did you not?

Mr. DOMACHOWSKI. About a week afterwards—the week after that.

Senator POMERENE. It was about 10 days or two weeks after that; was it not?

Mr. DOMACHOWSKI. I am not sure about that; I thought perhaps a week.

Senator POMERENE. You left Madison immediately after the election of a United States Senator; did you not?

Mr. DOMACHOWSKI. I did, on the evening train; yes, sir.

Senator POMERENE. That evening? Where did you go?

Mr. DOMACHOWSKI. I went home.

Senator POMERENE. Here in Milwaukee?

Mr. DOMACHOWSKI. Yes, sir.

Senator POMERENE. When did you return to Madison again?

Mr. DOMACHOWSKI. If my memory is right, I think I returned the following Tuesday.

Senator POMERENE. What day was the 4th of March on?

Mr. DOMACHOWSKI. I do not remember, Senator.

Senator POMERENE. Was it a week or 10 days after this talk on the 4th, and after your first talk with Pearson?

Mr. DOMACHOWSKI. If I remember right, I think I returned the next following Tuesday.

Senator POMERENE. How many days had intervened between the time of your return to Madison and your leaving on the 4th?

Mr. DOMACHOWSKI. I do not remember, Senator, what day it was when the election took place. It was March 4. What was it—Wednesday or Thursday?

Senator POMERENE. In any event, within a week or 10 days, or such a matter, you did have a second talk with Mr. Pearson?

Mr. DOMACHOWSKI. That is, after I returned; yes, sir.

Senator POMERENE. Yes; and then it was that you indicated to him that it was a joke?

Mr. DOMACHOWSKI. Yes, sir.

Senator POMERENE. And that was the first intimation you had made to any of your associates that it was a joke?

Mr. DOMACHOWSKI. Why, at Madison, yes.

Mr. LITTLEFIELD. Does the Senator have there the page of Mr. Pearson's testimony?

Senator POMERENE. I have not that. I do not know whether it is in the record or not, Mr. Littlefield.

Did you say anything to Ramsey or to Farrell or to Towne on the subject of your conversations?

Mr. DOMACHOWSKI. No, sir.

Senator POMERENE. You never suggested to them that you had perpetrated a little joke at their expense?

Mr. DOMACHOWSKI. No, sir.

Senator POMERENE. Are you keeping up this joke now?

Mr. DOMACHOWSKI. No, sir.

Senator POMERENE. Is this testimony a joke now?

Mr. DOMACHOWSKI. No, sir.

Mr. LITTLEFIELD. Mr. Pearson testifies about it on page 2126 of the testimony given before the Senate committee, about halfway down the page.

Senator POMERENE. This second conversation, then, was about a week after March 4, was it?

Mr. DOMACHOWSKI. I should think so.

Senator POMERENE. I think that is all I care to inquire.

Mr. LITTLEFIELD. Did you either go out of a joint session or into a joint session when the election of Senator Stephenson was pending for the purpose of helping in the election of the Senator?

Mr. DOMACHOWSKI. I will say I walked out once to break the quorum, to prevent it.

Mr. LITTLEFIELD. To break the quorum?

Mr. DOMACHOWSKI. Yes.

Mr. LITTLEFIELD. But that was not to help elect him. That was to prevent electing him?

Mr. DOMACHOWSKI. Yes, sir.

Mr. LITTLEFIELD. My question was, did you go out at any time to help elect him?

Mr. DOMACHOWSKI. No, sir.

Mr. LITTLEFIELD. To promote his election?

Mr. DOMACHOWSKI. No, sir.

Mr. LITTLEFIELD. Did you go in at any time for the purpose of promoting his election?

Mr. DOMACHOWSKI. No, sir.

Mr. LITTLEFIELD. On the day on which he was elected you were present and voted?

Mr. DOMACHOWSKI. Yes, sir.

Mr. LITTLEFIELD. For whom did you vote?

Mr. DOMACHOWSKI. Neal Brown.

Mr. LITTLEFIELD. Was he the regular Democratic candidate?

Mr. DOMACHOWSKI. Yes, sir.

Mr. LITTLEFIELD. When you were appointed to the office that you now hold by the appointment of the local district judges? Am I right about the men who have the appointment?

Mr. DOMACHOWSKI. The 7th of October, 1909.

Mr. LITTLEFIELD. What is the name of the office?

Mr. DOMACHOWSKI. Probation officer.

Mr. LITTLEFIELD. Do I understand that you hold the office during good behavior?

Mr. DOMACHOWSKI. Yes, sir.

Mr. LITTLEFIELD. So that you are subject to removal by the judges of the circuit court here whenever they see fit?

Mr. DOMACHOWSKI. Yes, sir.

Mr. LITTLEFIELD. How many judges of the circuit court are there? Is it the judges of the circuit court, or the judges of the district court?

Mr. DOMACHOWSKI. All the judges of record of Milwaukee County.

Mr. LITTLEFIELD. Oh. That includes circuit and district courts?

Mr. DOMACHOWSKI. Yes, sir.

Mr. LITTLEFIELD. And is it not a fact that those judges are more or less divided politically? That is, there are both Republicans and Democrats upon the bench?

Mr. DOMACHOWSKI. Yes; I think so.

Mr. LITTLEFIELD. I do not know just exactly how they are divided. Do you know whether there is a majority of Republicans or a majority of Democrats?

Mr. DOMACHOWSKI. I do not know.

Mr. LITTLEFIELD. That is all.

Senator POMERENE. Have you any business outside of your official duties?

Mr. DOMACHOWSKI. No, sir.

Senator POMERENE. What has been your business?

Mr. DOMACHOWSKI. I was with the Prudential Insurance Co.

Senator POMERENE. How long?

Mr. DOMACHOWSKI. Over two years.

Senator POMERENE. What was your business before that?

Mr. DOMACHOWSKI. Painter and decorator.

Senator POMERENE. That is all.

(The name of Edward Hines was again called, but he did not respond.)

TESTIMONY OF DANIEL HALEY.

DANIEL HALEY, having been previously sworn, was examined, and testified as follows:

The CHAIRMAN. Where do you reside?

Mr. HALEY. Duluth, Minn.

The CHAIRMAN. What is your business?

Mr. HALEY. I am in the lumber business.

The CHAIRMAN. Are you associated with any person?

Mr. HALEY. In the lumber business?

The CHAIRMAN. Yes.

Mr. HALEY. Yes, sir.

The CHAIRMAN. With whom?

Mr. HALEY. Mr. Cook and Mr. O'Brien.

Senator POMERENE. Please give their first names.

Mr. HALEY. Wirt H. Cook and William O'Brien.

The CHAIRMAN. In what business are you associated with them?

Mr. HALEY. In the Virginia & Rainy Lake Co.

The CHAIRMAN. Is Mr. Hines connected with that business?

Mr. HALEY. Yes, sir.

The CHAIRMAN. And Mr. Shields?

Mr. HALEY. I think Mr. Shields is a stockholder.

The CHAIRMAN. You are personally acquainted with Mr. Shields and Mr. Hines, are you?

Mr. HALEY. Yes, sir.

The CHAIRMAN. Did you make any statement to Mr. Cook with reference to any connection that Mr. Hines or Mr. Shields had with the election of Senator Stephenson to the United States Senate?

Mr. HALEY. I think I made a statement to Mr. Cook that I heard somebody else having a conversation; I overheard two men talking.

The CHAIRMAN. Whom did you overhear talking?

Mr. HALEY. Two men.

The CHAIRMAN. Who were they?

Mr. HALEY. I did not know the men. I think one man's name was Fisher. I would not be sure as to that. I asked a man afterwards.

The CHAIRMAN. Where were they from?

Mr. HALEY. I do not know. I think they were traveling men.

The CHAIRMAN. Do you know where they reside?

Mr. HALEY. No, sir; I do not know where they reside. I did not know them.

The CHAIRMAN. Do you know what business they were engaged in?

Mr. HALEY. Why, I asked one man that was in there alongside of them, in the lobby of the hotel, if he knew them, and he said he knew Fisher.

The CHAIRMAN. What business did he say Mr. Fisher was in?

Mr. HALEY. He said he was a traveling man.

The CHAIRMAN. Did he say what he traveled for?

Mr. HALEY. No, sir.

The CHAIRMAN. Or what connection he had?

Mr. HALEY. No.

The CHAIRMAN. Or where he lived?

Mr. HALEY. No.

The CHAIRMAN. Did you learn anything of the identity of the other man?

Mr. HALEY. No.

The CHAIRMAN. What hotel was this?

Mr. HALEY. The St. Louis.

The CHAIRMAN. In what city?

Mr. HALEY. Duluth.

The CHAIRMAN. When was it?

Mr. HALEY. I do not know whether it was a year ago or two years ago. I was not interested. I just heard them "joshing" and talking at the time they were there.

The CHAIRMAN. You heard them what?

Mr. HALEY. I heard them laughing and talking. I overheard the conversation.

The CHAIRMAN. They were strangers to you, were they?

Mr. HALEY. Yes, sir.

The CHAIRMAN. And you were not introduced to them at that time or at any other?

Mr. HALEY. No, sir.

The CHAIRMAN. Did you base the statement which you made to Mr. Wirt H. Cook on that conversation which you overheard?

Mr. HALEY. Yes.

The CHAIRMAN. Entirely?

Mr. HALEY. Yes, sir.

The CHAIRMAN. Have you any other information about it?

Mr. HALEY. None whatever.

The CHAIRMAN. Did you tell Mr. Cook that you based your statement to him upon a conversation that you had overheard between strangers?

Mr. HALEY. I told Mr. Cook that I heard a couple of fellows having a joke there in the St. Louis hotel.

The CHAIRMAN. Having a joke?

Mr. HALEY. Yes, sir. They were laughing and joking at the time they were telling it to one another.

The CHAIRMAN. Did they profess to have any personal knowledge on the subject?

Mr. HALEY. Not at all. They said they had heard it.

The CHAIRMAN. And that is all the foundation there is for the statement you gave Mr. Cook?

Mr. HALEY. That is all, sir.

The CHAIRMAN. Did you ever hear from anyone that either Mr. Hines or Mr. Shields received any money or procured any money from any source to promote the election of Senator Stephenson to the United States Senate?

Mr. HALEY. No, sir; I did not.

The CHAIRMAN. You have no knowledge on the subject?

Mr. HALEY. No, sir.

The CHAIRMAN. That is all I desire to ask this witness.

Mr. LITTLEFIELD. I have nothing.

Senator POMERENE. Mr. Haley, did you ever have any talk with Mr. Shields on this subject?

Mr. HALEY. Why, I think I asked him how he got along after the election—after Mr. Stephenson was elected.

Senator POMERENE. Where did you have this talk?

Mr. HALEY. In his office in Superior.

Senator POMERENE. How long after the election?

Mr. HALEY. Why, it might have been a month. He had just gotten back from West Baden, and I happened to be over there on a Wednesday.

Senator POMERENE. That was after the election, though, was it?

Mr. HALEY. Yes, sir; yes, sir.

Senator POMERENE. What was said on the subject?

Mr. HALEY. Why, I could not say just exactly. There was not much of anything said.

Senator POMERENE. There was something said about it?

Mr. HALEY. I asked him how he got along down there, and he said "Very nicely."

Senator POMERENE. What else was said?

Mr. HALEY. He said everything went off very smoothly.

Senator POMERENE. What was he talking about?

Mr. HALEY. I asked him where he had been since Mr. Stephenson's election down there. He said he was down at West Baden.

Senator POMERENE. What else was said?

Mr. HALEY. I do not remember.

Senator POMERENE. You talked about the election of Senator Stephenson, did you?

Mr. HALEY. That was about all the talk there was, that I can remember. We were talking about insurance at the time.

Senator POMERENE. Why were you asking him about how they were getting along down there?

Mr. HALEY. It came up. I do not just remember how it did come up.

Senator POMERENE. When he said "down there," did you know to what place he was referring?

Mr. HALEY. Yes.

Senator POMERENE. What was the place to which he was referring?

Mr. HALEY. Madison.

Senator POMERENE. Was anything else said?

Mr. HALEY. Nothing, I think, in regard to Senator Stephenson's election. He was talking about insurance pretty freely.

Senator POMERENE. But on the subject of this election?

Mr. HALEY. I do not remember of anything else, Senator.

Senator POMERENE. Did he tell you about these three men who stayed out?

Mr. HALEY. No, sir; he did not.

Senator POMERENE. Nothing was said on that subject?

Mr. HALEY. No, sir.

Senator POMERENE. Was anything said about his sending for a man by the name of Reader?

Mr. HALEY. No, sir.

Senator POMERENE. Or bringing him up on a special train?

Mr. HALEY. No, sir.

Senator POMERENE. Did you ever have any other talk with him on the subject?

Mr. HALEY. Not that I can remember.

Senator POMERENE. Did you ever tell Cook about this conversation with Shields?

Mr. HALEY. Which conversation?

Senator POMERENE. The one you have just given.

Mr. HALEY. No, I do not think I have. I might have.

Senator POMERENE. Did you have any other talk with Shields on the subject of the election with Senator Stephenson?

Mr. HALEY. I do not think so. Not that I can recall.

Senator POMERENE. Did he ever say anything to you on the subject?

Mr. HALEY. No; not that I remember. He is always pretty talkative about insurance when we meet.

Senator POMERENE. Do you remember of Cook being down at Chicago about the time he testified before the Helm committee?

Mr. HALEY. I remember his being in Chicago. I could not state the date or anything of that kind. He comes to Chicago very frequently.

Mr. LITTLEFIELD. You say he is in Chicago very often?

Mr. HALEY. Yes, sir.

Senator POMERENE. After he had been down there, did he tell you about having met some Wisconsin gentlemen in Chicago?

Mr. HALEY. He might have.

Senator POMERENE. You know, do you not?

Mr. HALEY. Yes, sir; I think he did.

Senator POMERENE. What did he tell you?

Mr. HALEY. I do not remember. I could not remember what he said.

Senator POMERENE. Did he tell you about these men knowing something about Shields's operations at Madison?

Mr. HALEY. He did say something about that.

Senator POMERENE. What did he say?

Mr. HALEY. I do not remember. I was pretty busy. I do not give much time to these things.

Senator POMERENE. Did he say anything to the effect that Shields had helped to raise money; that there was a report to that effect?

Mr. HALEY. He might have.

Senator POMERENE. Did he?

Mr. HALEY. I do not know. I do not remember.

Senator POMERENE. Did he say anything to you about his having heard that Shields was down at Washington to see Senator Stephenson? He told you, did he not, that these men wanted to know what the truth was about this situation?

Mr. HALEY. He talked something about that. I do not just remember the words that passed.

Senator POMERENE. He asked you to go and see Shields, did he?

Mr. HALEY. I think he did; yes, sir.

Senator POMERENE. You said you would see him?

Mr. HALEY. I did.

Senator POMERENE. And he talked with you at that time about some information that you had obtained from Shields one time before on this subject, did he not?

Mr. HALEY. He might have.

Senator POMERENE. You did talk it over, did you not?

Mr. HALEY. With whom?

Senator POMERENE. With Cook.

Mr. HALEY. I think we did. I think he talked with me.

Senator POMERENE. And you told him what Shields had told you on this former occasion?

Mr. HALEY. I might have.

Senator POMERENE. What did you tell him.

Mr. HALEY. I do not remember. I could not remember. There is so much of this every day down there, that it is a common occurrence. I do not remember. I hear it all the time.

Senator POMERENE. Did you see Shields after this?

Mr. HALEY. I saw him on the street; yes, sir.

Senator POMERENE. Did you talk with him?

Mr. HALEY. No, sir. He went right by me. I was going to stop him, and he said he did not have time.

Senator POMERENE. You did not stop him?

Mr. HALEY. I stopped him, but he just stopped and said: "I haven't time to talk now. I will see you later."

Senator POMERENE. Let me see if I understand you. Mr. Cook, who was your associate in business, came back from Chicago, and he talked over with you the subject matter of a conversation he had with some Wisconsin men in an office in Chicago, did he not?

Mr. HALEY. I think he did; yes, sir.

Senator POMERENE. And he told you that these men were anxious to know what the exact facts were, did he not?

Mr. HALEY. He might have.

Senator POMERENE. And he asked you to see Mr. Shields and try to persuade him to tell all that he knew on the subject?

Mr. HALEY. I think that is right. I think that is the fact.

Senator POMERENE. And you promised Mr. Cook that you would go and see Shields?

Mr. HALEY. I told Cook that when I saw him I would tell him to come up to the office; that he wanted to see him. That is my recollection.

Senator POMERENE. Did you see him?

Mr. HALEY. Yes; I saw him on the street.

Senator POMERENE. Did you tell him that Mr. Cook wanted to see him?

Mr. HALEY. He did not stop for me to tell him. He kept right on going, and said he was in a hurry.

Senator POMERENE. You could not hold him long enough to talk with him on the subject?

Mr. HALEY. He said he was in a hurry, and kept right on going I did not try to hold him.

Senator POMERENE. How often did you see Shields after Cook had talked with you about this conversation at Chicago?

Mr. HALEY. I did not see him for two months after that.

Senator POMERENE. Did you tell him this about Cook wanting to see him?

Mr. HALEY. No, sir.

Senator POMERENE. Did you ever say anything to him on the subject?

Mr. HALEY. No, sir; not after that time he passed me on the street.

Senator POMERENE. At that time you and Cook, as you have already said, talked over what Shields had theretofore told you?

Mr. HALEY. No, sir. I do not know as I ever had any conversation with Cook regarding the Stephenson election.

Senator POMERENE. In this talk did not Mr. Cook refer to some information you had given to him and which you had obtained in a talk with Mr. Shields?

Mr. HALEY. Not that I remember.

Senator POMERENE. You do not remember about that?

Mr. HALEY. No, sir. It might have been, but I do not remember.

Senator POMERENE. You would not swear, now, that you did not have a talk with Shields on that subject, would you?

Mr. HALEY. On what subject? If it is brought to my mind, and my memory is refreshed, I might tell you.

Senator POMERENE. Do you remember that you and I have been talking about the Stephenson case somewhat?

Mr. HALEY. Yes, sir.

Senator POMERENE. That is the subject matter. Did you ever have any talk with Shields in relation to the Stephenson case?

Mr. HALEY. Not any more than what I have told you, that I can remember.

Senator POMERENE. Was there anything said in that conversation with Mr. Shields to the effect that you should report it to Mr. Cook?

Mr. HALEY. I do not know that there was.

Senator POMERENE. You had talked with Cook once before, and given him the information you had obtained from Mr. Shields, had you not?

Mr. HALEY. I might have. I do not recollect what it was.

Senator POMERENE. You have no recollection about it at all?

Mr. HALEY. No, sir.

Senator POMERENE. Have you talked with Mr. Shields lately?

Mr. HALEY. No, sir.

Senator POMERENE. Have you had any word from him?

Mr. HALEY. Have I had any word from Shields?

Senator POMERENE. Yes. With regard to your testimony here.

Mr. HALEY. No, sir.

Senator POMERENE. Or from him through anybody else?

Mr. HALEY. No, sir.

Senator POMERENE. Have you had any communication from him?

Mr. HALEY. No, sir.

Senator POMERENE. Or any telephone message?

Mr. HALEY. No, sir.

Senator POMERENE. Or any telegram?

Mr. HALEY. No, sir.

Senator POMERENE. Or any other kind of a message?

Mr. HALEY. No other message, or word, or telephone, or telegram, or letter, or anything else.

Senator POMERENE. Who is this man Fisher that you told the chairman about?

Mr. HALEY. I do not know who he is, Senator.

Senator POMERENE. Who is this man that talked with you about these two traveling men that were joshing each other in the store?

Mr. HALEY. His name is Brady.

Senator POMERENE. What is his first name?

Mr. HALEY. John.

Senator POMERENE. When did he tell you this?

Mr. HALEY. When they were right there; when they were talking. After they got up and went away, I asked if he knew who they were; and he said yes, that he knew one of the men by sight. He said that was Fisher.

Senator POMERENE. Did he know his first name?

Mr. HALEY. No, sir.

Senator POMERENE. Did he know who the other man was?

Mr. HALEY. No, sir.

Senator POMERENE. What was said between these men?

Mr. HALEY. He said that Mr. Shields and Mr. Hines had a quarrel over some money, and they were joshing and talking about it. That is about the substance of the conversation they had.

Senator POMERENE. And they were talking about it?

Mr. HALEY. Yes, sir.

Senator POMERENE. What was the joke about it?

Mr. HALEY. They did not think it was so, the way they were talking.

Senator POMERENE. What is that?

Mr. HALEY. He said they did not think it was so.

Senator POMERENE. Why should that excite your attention so that you would inquire about it of your friend Brady?

Mr. HALEY. They were talking there, and they kept right on talking about it.

Senator POMERENE. What did they say about it, when they kept right on talking about it?

Mr. HALEY. I do not know. I could not relate the conversation now. That happened a year or two years ago. I did not pay any attention to it then or since.

Senator POMERENE. Was this the talk that you related to Mr. Cook?

Mr. HALEY. Yes, sir.

Senator POMERENE. When did you tell Mr. Cook?

Mr. HALEY. I think I told him that day. It happened up in Mr. Cook's office.

Senator POMERENE. What did you say to Mr. Cook?

Mr. HALEY. I do not remember what I said to Mr. Cook. That is a good while ago, and I did not give it any attention.

Senator POMERENE. This was fresh in your memory when Mr. Cook talked with you about meeting these men in Chicago?

Mr. HALEY. I do not think it was.

Senator POMERENE. Where is your home now?

Mr. HALEY. Duluth, Minn.

Senator POMERENE. Do you vote there?

Mr. HALEY. Yes, sir.

Senator POMERENE. I think that is all.

Mr. LITTLEFIELD. Where does John Brady live?

Mr. HALEY. He lived in Duluth. He is dead.

Mr. LITTLEFIELD. When did he die?

Mr. HALEY. He died this summer.

Mr. LITTLEFIELD. You are the field man in connection with these timber operations, are you not?

Mr. HALEY. What do you mean by "field man"?

Mr. LITTLEFIELD. Are you not the man who goes out to look after the timber operations?

Mr. HALEY. Yes, sir.

Mr. LITTLEFIELD. So that your work is mainly in what I would call the field; perhaps you would call it in the forest or timber. Am I right about it?

Mr. HALEY. Yes, sir.

Mr. LITTLEFIELD. That is all.

Senator POMERENE. I wish you would not go away, Mr. Haley. You are excused now, but we want you to remain in attendance.

TESTIMONY OF JAMES F. WALSH.

JAMES F. WALSH, having been previously sworn, was examined and testified as follows:

The CHAIRMAN. Where do you reside?

Mr. WALSH. Duluth.

The CHAIRMAN. What is your business?

Mr. WALSH. Land and timber.

The CHAIRMAN. With whom are you associated in business?

Mr. WALSH. I am principally alone.

The CHAIRMAN. Are you associated at all with Mr. Wirt H. Cook?

Mr. WALSH. No, sir.

The CHAIRMAN. Or with Mr. Hines?

Mr. WALSH. No, sir.

The CHAIRMAN. Or with Mr. Shields?

Mr. WALSH. I think we own some timber together; yes. We have stock in the same little company that owns a little timber; yes.

The CHAIRMAN. Do you frequently see each other to confer about matters?

Mr. WALSH. Not for the last three or four years.

The CHAIRMAN. Are you on good terms?

Mr. WALSH. At present; yes, sir.

The CHAIRMAN. Do you ever talk about political matters or public events?

Mr. WALSH. With Mr. Shields?

The CHAIRMAN. Yes.

Mr. WALSH. I have not; no, sir.

The CHAIRMAN. How long has it been since you have discussed such matters with him?

Mr. WALSH. I do not think we have discussed any matters of that kind since 1907, to any extent.

The CHAIRMAN. Did you have any conversation with Mr. Wirt H. Cook with reference to the election of Senator Stephenson, in any of its phases or features?

Mr. WALSH. Yes, sir.

The CHAIRMAN. When?

Mr. WALSH. At various times, for the last couple of years.

The CHAIRMAN. Tell us about it. What have you discussed with Mr. Cook that related to Senator Stephenson's election?

Mr. WALSH. I could not say what we have not discussed.

The CHAIRMAN. You have discussed it all, have you?

Mr. WALSH. We have discussed it all, I guess.

The CHAIRMAN. Have you any personal knowledge in regard to the election of Senator Stephenson to the United States Senate, or anything connected with it?

Mr. WALSH. No, sir.

The CHAIRMAN. Did you discuss with Mr. Cook anything of which you had personal knowledge, or did you repeat to him the things you had heard from others?

Mr. WALSH. That is all I ever knew about the election.

The CHAIRMAN. You say "that" is all you ever knew about the election. That might apply to either branch of my questions.

Mr. WALSH. All I ever knew about the election of Senator Stephenson was what I read.

The CHAIRMAN. What you read?

Mr. WALSH. Or what I heard rumored.

The CHAIRMAN. From whom have you heard what purported to be facts in regard to Senator Stephenson's election?

Mr. WALSH. I have heard about as much here as anywhere.

The CHAIRMAN. Aside from what you have heard here, when did you first begin to hear about Senator Stephenson's election, from persons who purported to know facts?

Mr. WALSH. I should say about the time he was elected.

The CHAIRMAN. What did you hear then?

Mr. WALSH. I heard various rumors.

The CHAIRMAN. What did you hear that affected the integrity of his election?

Mr. WALSH. I do not know that I heard any details at all, except the general rumors that he was improperly elected.

The CHAIRMAN. Did you hear anyone state any facts in regard to the matter, or what they thought were facts, or what they claimed were facts?

Mr. WALSH. I heard statements of what people thought were facts, I presume, or they would not have stated them.

The CHAIRMAN. Come right to them, then, without any circumlocution. Let us hear what you heard.

Mr. WALSH. I could not say what the first thing was.

The CHAIRMAN. You will not be held to a mistake as to the chronological order of the things you heard. Let us see what you know, if you know anything about it, from anyone.

Mr. WALSH. About all I know is what Mr. Cook told me about the conversation he had with some gentlemen in Chicago, from this State.

The CHAIRMAN. We will come to that in a moment. Before we take up the statement of Mr. Cook, let us see if that is the only statement you heard.

From whom did you hear statements, if anyone, besides Mr. Cook? I am coming to Mr. Cook's statement very soon.

Mr. WALSH. I believe I heard Mr. Haley say something.

The CHAIRMAN. The gentleman who was just on the stand?

Mr. WALSH. Yes.

The CHAIRMAN. What did you hear Mr. Haley say?

Mr. WALSH. He told something about a rumor of this alleged quarrel between Mr. Hines and Mr. Shields.

The CHAIRMAN. What did you hear about what you denominate a quarrel? What constituted the quarrel?

Mr. WALSH. I think he said they had a disagreement.

The CHAIRMAN. About what?

Mr. WALSH. About a settlement; as to what Mr. Shields should receive for some work he did in connection with Senator Stephenson's election.

The CHAIRMAN. Do I understand you to say that he said there was a disagreement or quarrel between Senator Stephenson and Mr. Hines?

Mr. WALSH. Between Mr. Shields and Mr. Hines.

The CHAIRMAN. Oh! Between Mr. Shields and Mr. Hines?

Mr. WALSH. Yes.

The CHAIRMAN. As to what Shields was to receive for work that he—

Mr. WALSH (interrupting). Had done in connection with Senator Stephenson's election.

The CHAIRMAN. What did you hear about that?

Mr. WALSH. I do not believe I can recall the details, except that he said they had a quarrel about it, as to the amount, or something along those lines. I believe he said something to the effect that he could not get his actual expenditures.

The CHAIRMAN. This quarrel was between Mr. Shields and Mr. Hines?

Mr. WALSH. Yes.

The CHAIRMAN. How did he come to bring Mr. Hines into the quarrel? Did he explain how Mr. Hines was connected with it, or why Mr. Hines should be settling or participating in any settlement on behalf of Senator Stephenson?

Mr. WALSH. No, sir.

The CHAIRMAN. Nothing was said about that?

Mr. WALSH. No, sir.

The CHAIRMAN. Do you mean to tell us that Mr. Haley just gave out the lone statement that they had had a difficulty about a settlement without telling of what the difficulty consisted?

Mr. WALSH. Mr. Haley did not claim to have any great amount of knowledge upon the subject. I think he said he had heard it. He did not tell me who told it to him, and I do not believe I asked him.

The CHAIRMAN. Did you hear it from anybody else excepting Mr. Cook? Did you hear any statement in regard to the existence of any controversy, or of any participation in the Stephenson campaign other than from Mr. Cook and Mr. Haley?

Mr. WALSH. I do not recollect anybody.

The CHAIRMAN. Did you hear statements from Mr. Cook, or did you make statements to Mr. Cook in regard to this matter?

Mr. WALSH. I heard statements.

The CHAIRMAN. How did he come to make statements to you?

Mr. WALSH. I do not know, except that he heard them, and told it to me the same as he would to anybody else.

The CHAIRMAN. What transpired that made you talk to him on this subject? How did the subject come up?

Mr. WALSH. I recollect when the subject came up after he had talked in Chicago with the three gentlemen from Madison, or from somewhere in this State.

The CHAIRMAN. How did he come to tell you he had talked with three gentlemen from Madison?

Mr. WALSH. I do not know how he happened to tell it. He usually tells the news when he gets back—anything that transpires.

The CHAIRMAN. Are you occupying common offices?

Mr. WALSH. Yes.

The CHAIRMAN. It was a neighborly call that he made upon you?

Mr. WALSH. We are right in the same office.

The CHAIRMAN. Then when he returned from Chicago he was giving you the news, among which items was this statement in regard to his conference with the men from Wisconsin? Is that it?

Mr. WALSH. Yes, sir.

The CHAIRMAN. What did he say in regard to that conference?

Mr. WALSH. I do not remember that he told any of the details, except that he said they seemed to have quite a lot of information on the subject. He did not know whether it was true or not.

The CHAIRMAN. Is that what he told you?

Mr. WALSH. Yes, sir.

The CHAIRMAN. What else did he tell you?

Mr. WALSH. I can not recall the details.

The CHAIRMAN. Did he tell you that he had any information on the subject?

Mr. WALSH. He said they knew a great deal more about it than he had ever before heard.

The CHAIRMAN. Than he had ever before heard?

Mr. WALSH. Yes; or than he had ever before known.

The CHAIRMAN. Did he tell you what he had before known or heard?

Mr. WALSH. I can not say that he did. He probably did. I do not know.

The CHAIRMAN. Did you frequently talk with Mr. Cook in regard to the Stephenson case?

Mr. WALSH. Yes.

The CHAIRMAN. Prior to that time when he came home from Chicago?

Mr. WALSH. We talked generally on it; yes, sir, knowing a number of people connected with it. We talked of it on a number of occasions.

The CHAIRMAN. You live in Minnesota?

Mr. WALSH. Yes.

The CHAIRMAN. Do you vote in Minnesota?

Mr. WALSH. Yes.

The CHAIRMAN. And you take some casual interest in the politics of your neighboring State, Wisconsin?

Mr. WALSH. Not a great deal.

The CHAIRMAN. Did you do anything to assist in the election of Senator Stephenson?

Mr. WALSH. No, sir.

The CHAIRMAN. Did you try to do anything?

Mr. WALSH. No, sir.

The CHAIRMAN. Were you favorable to his election?

Mr. WALSH. I can not say that I was or was not. It was immaterial to me whether he was elected or not.

The CHAIRMAN. You had no interest in the matter?

Mr. WALSH. No, sir.

The CHAIRMAN. There was no arrangement between you and others to do anything to forward his interests?

Mr. WALSH. No, sir; not at all.

The CHAIRMAN. Did you ever talk with Mr. Shields about this matter?

Mr. WALSH. No, sir.

The CHAIRMAN. Did you ever talk with Mr. Hines about it?

Mr. WALSH. No, sir. I do not know Mr. Hines.

The CHAIRMAN. Did Mr. Shields ever talk to you about it?

Mr. WALSH. No, sir.

The CHAIRMAN. He never had any conversation about it with you?

Mr. WALSH. No, sir.

The CHAIRMAN. Do you know anything about it?

Mr. WALSH. No, sir.

The CHAIRMAN. Have you any original knowledge on this question?

Mr. WALSH. No, sir.

The CHAIRMAN. Did you not tell Mr. Cook that you had talked with Mr. Shields about some features of this case?

Mr. WALSH. No. I do not think I did.

The CHAIRMAN. You say you never did talk with Mr. Shields about it?

Mr. WALSH. About this case?

The CHAIRMAN. About the Stephenson matter.

Mr. WALSH. No, sir.

The CHAIRMAN. In any of its phases or features?

Mr. WALSH. No, sir.

The CHAIRMAN. That is all.

Mr. LITTLEFIELD. You are a brother-in-law of Mr. Cook?

Mr. WALSH. Yes, sir.

Mr. LITTLEFIELD. I suppose your relations are fairly friendly?

Mr. WALSH. Yes, sir.

Mr. LITTLEFIELD. It is by no means an unusual thing for you and Mr. Cook to discuss matters of common interest?

Mr. WALSH. It is the usual thing; yes, sir.

Mr. LITTLEFIELD. You not only have your offices there together, but your relations are friendly, and you discuss matters that people ordinarily do discuss under such circumstances?

Mr. WALSH. Yes, sir.

Mr. LITTLEFIELD. And was it under circumstances like these that such conversations took place between yourself and Mr. Cook?

Mr. WALSH. Yes, sir.

Mr. LITTLEFIELD. That is, when he stated to you that the Wisconsin gentlemen told him a great deal more than he ever knew about the Stephenson matter?

Mr. WALSH. Yes, sir.

Mr. LITTLEFIELD. You said that it had been some time since you had had any business with Mr. Shields. Did you have some trouble with Mr. Shields at one time?

Mr. WALSH. We had a little difficulty; yes, sir, about 1907.

Mr. LITTLEFIELD. Since then, I take it, you have not been on what we would call intimate terms?

Mr. WALSH. No, sir.

Mr. LITTLEFIELD. As a matter of fact, since 1907, since the difficulty you had, you have not had much of any relations with Mr. Shields, have you?

Mr. WALSH. No, sir.

Mr. LITTLEFIELD. You have not had any of a social character?

Mr. WALSH. Practically none.

Mr. LITTLEFIELD. This was a business matter in which you and Mr. Shields disagreed?

Mr. WALSH. Yes, sir.

Mr. LITTLEFIELD. That is, you had some sort of a claim against him for a sum of money, which he resisted?

Mr. WALSH. Yes, sir.

Mr. LITTLEFIELD. You had a rather vigorous disagreement about it?

Mr. WALSH. Yes, sir.

Mr. LITTLEFIELD. That, you say, was in 1907?

Mr. WALSH. Yes; or early in 1908.

Mr. LITTLEFIELD. And since then you have had practically nothing to do with Mr. Shields?

Mr. WALSH. I have not.

Mr. LITTLEFIELD. Especially nothing of a social character?

Mr. WALSH. No, sir.

Mr. LITTLEFIELD. That is all.

The CHAIRMAN. You are excused.

TESTIMONY OF EDWARD HINES.

EDWARD HINES, having been duly sworn, was examined and testified as follows:

The CHAIRMAN. Where do you reside?

Mr. HINES. Chicago.

The CHAIRMAN. Give your address in Chicago.

Mr. HINES. My business address or my residence?

The CHAIRMAN. Both.

Mr. HINES. My residence is Evanston, Ill., Ridge Avenue and Lake Street. My business address is Lincoln Street, south of Blue Island Avenue.

The CHAIRMAN. Where do you vote?

Mr. HINES. At Evanston.

The CHAIRMAN. Are you acquainted with Senator Stephenson?

Mr. HINES. Yes, sir.

The CHAIRMAN. How long have you been acquainted with him?

Mr. HINES. For 20 years or more.

The CHAIRMAN. Are you associated with him in business?

Mr. HINES. No, sir.

The CHAIRMAN. Have you ever been?

Mr. HINES. No, sir.

The CHAIRMAN. He was elected to the United States Senate on the 4th of March, 1909. Did you participate or in any way assist in his election?

Mr. HINES. No, sir.

The CHAIRMAN. Did you have conferences with Senator Stephenson with reference to his election by the Legislature of Wisconsin?

Mr. HINES. No, sir.

The CHAIRMAN. Did he confer with you or solicit your aid or assistance during his election?

Mr. HINES. No, sir.

The CHAIRMAN. Did you ever receive any money or anything of value from Senator Stephenson, to be used by you or by anyone through you to forward his election to the United States Senate, during the year 1909, or at any other time?

Mr. HINES. No, sir.

The CHAIRMAN. Did he ever give you any credit, or authorize you to make a draft upon him, or to use your credit with him, in the interest of his election to the Senate by the Legislature of Wisconsin, or at the primaries?

Mr. HINES. No, sir.

The CHAIRMAN. You had no dealings with him in regard to it?

Mr. HINES. Not in this transaction; no, sir.

The CHAIRMAN. I am referring to his election to the United States Senate.

Mr. HINES. No, sir.

The CHAIRMAN. What do you mean when you say, "Not in this transaction?"

Mr. HINES. I have had very extensive business dealings with him in buying lumber from him—very extensive dealings, for a period of 20 years.

The CHAIRMAN. At any time about or approximating the time of his election to the Senate?

Mr. HINES. I think it was in April or May of 1909 that I negotiated a large purchase of lumber from him.

The CHAIRMAN. You purchased the lumber from him?

Mr. HINES. From some companies in which he is interested.

The CHAIRMAN. And you paid for it?

Mr. HINES. Oh, yes; in the ordinary course of business.

The CHAIRMAN. Did you sell any lumber or interest in property or lumber to him during the year 1909?

Mr. HINES. No, sir.

The CHAIRMAN. Did he pay you or give you a credit for the value of anything passing from you to him during that year?

Mr. HINES. No, sir.

The CHAIRMAN. Did you go to Washington during the senatorial contest in Wisconsin to see Senator Stephenson, or going there, did you see him?

Mr. HINES. I was in Washington pretty much all of the time from November, 1908, until June, 1909.

The CHAIRMAN. During that time did you have any conference with Senator Stephenson, or with anyone on his behalf, relative to his election to the United States Senate?

Mr. HINES. No. I saw Senator Stephenson several times while I was there, but not on this subject.

The CHAIRMAN. Seeing him, did you talk to him about the question of his election?

Mr. HINES. I might have had some talk about the legislature ratifying his election; but it was just an incidental talk. It came up incidentally to some other matters that I saw him about.

The CHAIRMAN. You know Mr. Shields?

Mr. HINES. Very well; yes, sir.

The CHAIRMAN. Did you authorize Mr. Shields to make any promise for the payment of money or the delivery of anything of value to assist in the election of Senator Stephenson?

Mr. HINES. No, sir.

The CHAIRMAN. Do you know of Mr. Shields receiving anything or the promise of anything of value for any services to be rendered by him in the interest of Senator Stephenson's election?

Mr. HINES. No, sir.

The CHAIRMAN. Did you have any disagreement with Mr. Shields with reference to the payment of a sum of money which he claimed to be due from you to him?

Mr. HINES. No, sir.

The CHAIRMAN. It has been testified here that there were understood to be some questions of controversy about financial matters, involving a settlement between you and Mr. Shields, wherein he claimed a sum of money and you claimed that a lesser sum of money was due him, and that eventually a settlement was made. Do you identify that transaction as any transaction that ever occurred between you and Mr. Shields?

Mr. HINES. No, sir.

The CHAIRMAN. Did you pay or cause to be paid to Mr. Shields any money during the year 1909 for any purpose?

Mr. HINES. Do you mean personally?

The CHAIRMAN. Yes; first, personally?

Mr. HINES. No, sir.

The CHAIRMAN. Then we will take the exception: Did you, either personally or indirectly, cause any sum of money to be paid to Mr. Shields during the year 1909 for any purpose?

Mr. HINES. I am interested in a number of companies which are paying him money continuously.

The CHAIRMAN. For what?

Mr. HINES. Insurance.

The CHAIRMAN. Nothing else?

Mr. HINES. Not that I know of. There may be some little incidental expense in some county or town; but I would not keep any track of the details of that.

The CHAIRMAN. Does Mr. Shields represent your companies at times in regard to tax matters in municipalities?

Mr. HINES. He has paid all of our taxes since we first commenced doing business in Wisconsin.

The CHAIRMAN. He is your tax agent?

Mr. HINES. Hardly our tax agent. He lives at West Superior, and most of our timber was located in that county. When we first commenced in a small way, being located in Chicago, he did our insurance business and began looking after our taxes in a small way. As our business developed in that part of the country he continued to pay our taxes, and if we had a little difference about some right of way in going over a railroad in that section of the country, he would assist our local manager and help us in matters of that kind. So, during that time he may have been paid small sums along those lines. Our taxes amounted to considerable money during those times, and insurance is being paid every month or two.

The CHAIRMAN. Did any combination or association of persons or any corporation with which you are connected or identified pay to anyone, or promise to pay to anyone, any money to aid in the election of Senator Stephenson?

Mr. HINES. No, sir.

The CHAIRMAN. Did you, or any person or corporation with whom you are associated or interested, pay to Mr. Shields any money for the purpose of assisting in forwarding the election of Senator Stephenson?

Mr. HINES. No.

The CHAIRMAN. You do not know anything about Senator Stephenson's campaign for the Senate in 1908-9?

Mr. HINES. Nothing except what I read in the newspapers from time to time.

The CHAIRMAN. And you have read some statement that connected you very closely with it?

Mr. HINES. Yes; on last Friday or Saturday I think I did.

The CHAIRMAN. What foundation, if any, is there for those statements?

Mr. HINES. There is absolutely no foundation for them. I would like here to introduce a letter which Mr. Cook wrote about me.

The CHAIRMAN. When?

Mr. HINES. Some time ago.

The CHAIRMAN. On what subject?

Mr. HINES. It is rather a lot of subjects, in which he offers testimony; and I should imagine it was about the purpose of his testimony.

The CHAIRMAN. We will hear it.

Senator POMERENE. What is the date of it?

Mr. HINES. February 7th, 1911.

Senator POMERENE. With reference to that date, when did you receive it?

Mr. HINES. I received it in Washington, I think, on the 10th of February.

Senator POMERENE. Through the mail?

Mr. HINES. Yes. Shall I read it?

The CHAIRMAN. If it refers to this question.

Mr. HINES. I draw the strong inference that it does.

The CHAIRMAN. You may read it.

Mr. HINES. It is addressed to F. E. Weyerhauser, National German-American Bank Building, St. Paul, Minn.

The CHAIRMAN. I understood that this was a letter to you.

Mr. HINES. This letter was sent to me in a letter from Mr. Weyerhauser. I am referred to in the letter.

The CHAIRMAN. Is it signed by Mr. Cook?

Mr. HINES. Yes.

Senator POMERENE. Do you know his signature?

Mr. HINES. Oh, yes.

The CHAIRMAN. You may proceed.

Mr. HINES. The letter is as follows:

[Personal.]

CHICAGO, ILL., February 7, 1911.

F. E. WEYERHAUSER, Esq.,

National German-American Bank Building, St. Paul, Minn.

DEAR SIR: Referring to our conversation last Saturday, I wish to confirm my statement to you that the Virginia & Rainy Lake Co. is badly handicapped and seriously demoralized in its business by the fact that its president, Mr. Edward Hines, who is also president of the Edward Hines Lumber Co., occupies the inconsistent position of both seller and buyer of the same lumber, and by the further fact that Mr. Hines, through his alleged connection with the Lorimer senatorial election, has acquired a damaging notoriety which is reflected on the company.

As to the first proposition, I think I showed you by several concrete cases certain advantages which could be taken by a person in this position detrimental to our company; and, as to the second proposition, I am prepared to furnish proof that Mr. Hines's present reputation is not undeserved. Under these circumstances, I am satisfied that the company is only inviting disaster by continuing Mr. Hines as its head and one of its officers.

I am a large stockholder in the company, and to protect my interests I have to-day, through Mr. Wiehe, requested Mr. Hines not to stand for reelection as a director or other officer at our annual meeting to be held on the 15th instant, and that if for any reason the annual meeting is postponed, that he tender by the 15th instant his resignation as president and director of the company. I am so thoroughly convinced of the necessity of this action that, in order to insure its accomplishment, I have also notified Mr. Hines, through Mr. Wiehe, that if he does stand for reelection or does not resign by the 15th of this month, I will publicly expose him and in the end compel such resignation.

Because of your large interest and official position in the company and also because of the serious nature of this action, I have thought it best to fully advise you.

Very truly, yours,

W. H. Cook.

The CHAIRMAN. What connection has that with the Stephenson investigation?

MR. HINES. After his testimony here, knowing the entire falsity of it, I am convinced that at that time he had in his mind making that exposure; because immediately after that he met certain individuals in Chicago and made the statements that he made here the other day, making them at that time in April following.

THE CHAIRMAN. You use the word "exposure," and that word presupposes the existence of certain conditions. What have you to say about that? Do you mean that he contemplated making an exposure, or making charges?

MR. HINES. Making charges. He could not make any exposure. Upon receipt of that letter I did absolutely contrary to every count in the letter. I postponed the meeting by wire, I stood for reelection, and I did everything that he proposed I should not do. At the meeting following, at my request, he was publicly put off the board of directors; and I read that letter to the stockholders at their annual meeting.

MR. LITTLEFIELD. What statement did you make in his presence? How did you characterize him?

MR. HINES. I branded him——

THE CHAIRMAN. I will ask counsel to wait until I am through.

MR. HINES. I will say that he had a certain amount of stock in the company which he wanted me to buy, and I did not see fit to buy it.

THE CHAIRMAN. Did he ask you to buy it?

MR. HINES. Yes, he did; several times; and he sent people to me, stating what he would do if I did not buy it. I refused to buy it.

THE CHAIRMAN. Do we understand by this that you intend to intimate or suggest to the committee that in connecting your name with Senator Stephenson's election Mr. Cook is actuated by a feeling of antagonism which he has to you?

MR. HINES. Absolutely so. Not alone in this case, but in other cases he has done the same thing, all of which was proved to be false by a preponderance of evidence.

THE CHAIRMAN. Did you ever have authority to draw on Senator Stephenson in blank in any occasion in your life?

MR. HINES. I not alone never had authority, but never did so. I never made a draft on him in my life.

THE CHAIRMAN. Did anybody on your behalf, or who was associated with you, have authority to do such a thing?

MR. HINES. Not to my knowledge; and I never heard of a draft being made on him.

THE CHAIRMAN. Senator Stephenson is a man with whom you have done a good deal of business?

MR. HINES. I should imagine to the extent of at least eight or ten millions of dollars in the last 20 years.

THE CHAIRMAN. Did you ever know him to authorize anyone to fill in a blank draft or check upon him?

MR. HINES. No, sir; I would not consider that very reasonable, knowing the man as I do.

SENATOR POMERENE. Do you know Mr. Turrish?

MR. HINES. Yes, sir.

SENATOR POMERENE. What is his first name?

MR. HINES. Henry Turrish.

SENATOR POMERENE. Where is he now?

Mr. HINES. The last time I saw him was in Duluth, about two weeks ago, I think, or maybe three weeks ago, as I came from Virginia, Minn.

Senator POMERENE. What is his business?

Mr. HINES. He is in the lumber and timber business.

Senator POMERENE. Is he associated with you?

Mr. HINES. No; he never has been.

Senator POMERENE. In no business matters?

Mr. HINES. No, sir; in no shape, form, or manner.

Senator POMERENE. Or in any property matters?

Mr. HINES. No, sir.

Senator POMERENE. Were you engaged in conversation with him at any time in the presence of Mr. Cook?

Mr. HINES. Yes.

Senator POMERENE. Where?

Mr. HINES. In the Grand Pacific Hotel, in Chicago.

Senator POMERENE. When?

Mr. HINES. It was in the spring of 1909; I think along in May or June, if I recollect right; some time along about that time.

Senator POMERENE. Were you talking at that time about a tariff on lumber?

Mr. HINES. I was passing through the rotunda of the Grand Pacific Hotel, on the Clark Street side, to go into the alley leading onto La Salle Street; and Mr. Turrish and Mr. Cook were in the rotunda, and Mr. Turrish hailed me. I stopped a moment or two, and he asked me how the tariff discussion and action was going on in Washington. I had just returned from Washington. I told him it looked very much as if the lumbermen would have to make some concession from \$2, and intimated that it would probably be settled at \$1.50 a thousand.

Senator POMERENE. Anything else?

Mr. HINES. That was all that was said, to my recollection.

Senator POMERENE. Anything else with respect to Senator Stephenson and his reelection?

Mr. HINES. No, sir.

Senator POMERENE. I will ask whether you said this in substance to Mr. Turrish, in the presence of Mr. Cook, referring to Senator Stephenson's attitude on the tariff question: "I had a terrible job getting him lined up right."

Mr. HINES. No, sir. It would have been impossible for me to make any such statement as that, because early in the tariff discussion Senator Stephenson accompanied me with several other Senators to several conferences in which we asked the full \$2 tariff on lumber.

Senator POMERENE. Did Senator Stephenson favor a reduction of the tariff on lumber?

Mr. HINES. No, sir.

Senator POMERENE. Did he not want it reduced?

Mr. HINES. No, sir.

Senator POMERENE. Did he express himself upon that subject?

Mr. HINES. He attended several conferences with several other Senators and officials of the various lumber associations, demanding \$2.

Senator POMERENE. Who were those other Senators?

Mr. HINES. Senator Piles, of Washington, was one. Mr. M. A. Skinner, of San Francisco, was another gentleman.

Senator POMERENE. He was not a Senator?

Mr. HINES. No, I was trying to recall the gentlemen in the conferences. Mr. Blowdell, of Washington, was another.

Senator POMERENE. He was not a Senator.

Mr. HINES. No. Senator Aldrich and Senator Burrows.

Senator POMERENE. Of Michigan?

Mr. HINES. Of Michigan; yes. There were several others, but I can not just recall them at this time.

Senator POMERENE. You have named three Senators?

Mr. HINES. Yes.

Senator POMERENE. Were there any other Senators in the conferences?

Mr. HINES. I think there were five or six Senators. I do not recall who the balance of them were. I recollect those particularly.

Senator POMERENE. It is not true, then, that at that time Senator Stephenson was favoring a reduction of the tariff on lumber?

Mr. HINES. No; I never heard of it.

Senator POMERENE. Referring again to this conversation with Mr. Turrish and Mr. Cook, did you use this language in substance:

Mr. Hines replied, saying that he was having a hell of a time. He said: "For instance, there is old Stephenson. After I went to work and elected him he goes down to Washington and starts working for free lumber." He says: "What do you think of him, and in the lumber business, too?" "Then," he says, "those southern Democrats," he says: "There is the worst bunch I ever tackled." Then he says: "You get them all fixed up to-day, and to-morrow they flop. Then I have to go and fix them all over again."

Did you have any such conversation as that?

Mr. HINES. Absolutely not, at that time nor at any other time.

Senator POMERENE. I am calling your attention specifically to that part of it which refers to a conversation with regard to Senator Stephenson or his election. Did you at that time have any such talk with him?

Mr. HINES. No; nor at any other time did I ever refer to Senator Stephenson by that term. I am not in the habit of using that language.

Senator POMERENE. Is it because of that language that you say you did not talk on this subject?

Mr. HINES. No. Particularly, I never referred to Senator Stephenson (or Mr. Stephenson, prior to his being Senator) in any such terms as that. I have too much respect for the gentleman. In the second place, I could not possibly have made those statements, because they were not true—directly to the contrary.

Senator POMERENE. You were interested in Senator Stephenson's election, were you not?

Mr. HINES. Why, in the primaries I did what I could, in a small way, to assist him in the primaries.

Senator POMERENE. What did you do?

Mr. HINES. I am interested in several lumber companies in the State of Wisconsin—

Senator POMERENE. Where are they located?

Mr. HINES. I am president of the White River Lumber Co., located at Mason, Wis.

Senator POMERENE. Give the counties, if you can.

Mr. HINES. I do not know that I could give the counties in every case.

Senator POMERENE. All right. Go ahead.

Mr. HINES. But I think it is Bayfield County. I am president of the Iron River Lumber Co., at Iron River, Wis.; I am president of the North Wisconsin Lumber Co., at Hayward, Wis.; then I am president of the Washburn & North Western Railroad, a logging railroad. I advised all our managers and our men to do all they possibly could for Senator Stephenson in the primaries; and they arranged several meetings in their home towns, and had speakers come there, at our sawmills. Such work as that I did. That is, I advised our men to do it.

Senator POMERENE. That was because you were interested in seeing a man represent this State who himself entertained the same views that you did on the subject of the tariff?

Mr. HINES. No, sir. That was the least thought I had in mind. I had known Senator Stephenson for over 20 years as one of the most representative business men in the State of Wisconsin. I had done business to the extent of over \$10,000,000, I think, with him during that period. We had never had a difference of any kind. My relations with him were very cordial. I had also known that he had been a very strong personality in Republican politics in the State of Wisconsin; I felt that the honor was justly due him, and I thought he was capable of representing the great business interests. I had not a thought in my mind about tariff at the time.

Senator POMERENE. How many men were employed in the various companies of which you speak?

Mr. HINES. Probably 2,000; at least 2,000 men.

Senator POMERENE. You were the active manager or executive official of all of them, were you?

Mr. HINES. Not the executive official on the ground. I was the president of the various companies; but they had their local managers, who attended to all the details in the different towns.

Senator POMERENE. Did you take such active interest on your own motion, or because Senator Stephenson had requested it?

Mr. HINES. Absolutely on my own motion.

Senator POMERENE. Did you have any communication on this subject, directly or indirectly, with Senator Stephenson?

Mr. HINES. I do not think I ever received a letter from Senator Stephenson in regard to his election, either at the primaries or after that.

Senator POMERENE. Did you have any communication with his managers here in Milwaukee?

Mr. HINES. No, sir. I took it upon myself..

Senator POMERENE. You know Mr. Edmonds, do you?

Mr. HINES. Yes, sir.

Senator POMERENE. Did you have any communication with him on the subject?

Mr. HINES. No, sir.

Senator POMERENE. Or he with you?

Mr. HINES. No, sir. I think I myself advised Senator Stephenson that I would do this.

Senator POMERENE. How did you do that? By letter?

Mr. HINES. No, sir. I am up at Marinette from three to six times a year, because we purchase the lumber from both his mills at Mari-

nette, Wis., and I go up there to look after the cutting and to advise about the lumber.

Senator POMERENE. Were any of your men—and when I say “your men” I mean the men connected with the companies you have named—candidates for the general assembly?

Mr. HINES. No, sir; not one of them. They are occupying positions as general managers of the respective lumber companies in the towns where they live, and managers of the railroad propositions.

Senator POMERENE. Did you have any of your men connected with these companies take any part in the campaign after the election at Madison?

Mr. HINES. No, sir.

Senator POMERENE. Or did you communicate with any of the Representatives or Senators on this subject?

Mr. HINES. No, sir; I never made any request of them.

Senator POMERENE. You of course had some communication with Mr. Shields on the subject of Senator Stephenson's election, did you?

Mr. HINES. You mean the primary election?

Senator POMERENE. Yes; and before that.

Mr. HINES. I think I asked Mr. Shields, if I recollect rightly, to assist in getting the signatures of a large number of business interests up in that part of the country to sort of a business men's appeal to the people for the election of Mr. Stephenson.

Senator POMERENE. Was that by personal interview, or by letter or wire?

Mr. HINES. I do not recollect. It seems to me it was by personal request, when I went through Duluth.

Senator POMERENE. Did you later talk with Shields on the subject?

Mr. HINES. No; I do not think I did. I was not in Chicago much from—

Senator POMERENE. Did you pay him for this service?

Mr. HINES. No, sir. It was simply getting signatures to this paper through the district in which he lived.

Senator POMERENE. After the election, did you have any communication with Shields on the subject?

Mr. HINES. After Senator Stephenson's election?

Senator POMERENE. I mean after the fall election.

Mr. LITTLEFIELD. After the primary election?

Senator POMERENE. No; I refer to the autumn election—the November election.

Mr. LITTLEFIELD. The regular election that followed the primary?

Senator POMERENE. The general election.

Mr. HINES. No, sir; I am positive I did not. I have been trying to recollect distinctly. I think I only saw Mr. Shields once. I am very positive I saw him only once between the month of November and the month of June—only once.

Senator POMERENE. You refer to the month of June, 1909; do you?

Mr. HINES. Yes. Between November, 1908, or, I would say, October, 1908, and June, 1909, I saw Mr. Shields only once.

Senator POMERENE. Where did you see him?

Mr. HINES. I saw him at a banquet in Washington.

Senator POMERENE. What was the occasion of your being there?

Mr. HINES. Congressman Wheeler, of Pennsylvania, gave a banquet, to which I was invited, and a very large number of Congress-

men. I think there were a hundred and eighty odd Congressmen. I was asked that night to express the lumbermen's views on the question of the lumber tariff.

Senator POMERENE. Was Mr. Shields there?

Mr. HINES. After I got through he came up and shook hands with me, and said that he was leaving for New York the next day. That is the only time I recollect meeting Mr. Shields from October until the following June.

Senator POMERENE. Did you or your companies here contribute anything toward the campaign expenses in 1908?

Mr. HINES. Our subsidiary companies may have made small contributions in their respective localities—that is, in the way of getting some public speakers there, or arranging a meeting, or something of that kind.

Senator POMERENE. Did you contribute anything to the State executive committee or the campaign committee?

Mr. HINES. I do not remember anything of the kind. It may have been that we did, but I do not remember. It was not a large amount, or it would have been called to my attention.

Senator POMERENE. After Senator Stephenson's election as Senator on March 4, 1909, did you have any talk with Shields on the subject of that election?

Mr. HINES. I do not recollect any particular talk. I saw him maybe two or three times that year.

Senator POMERENE. You saw him in Chicago?

Mr. HINES. I think I saw him once in Chicago. I remember particularly seeing him once in Chicago.

Senator POMERENE. Was that at your offices?

Mr. HINES. Yes, sir.

Senator POMERENE. Did you have some difference with him then?

Mr. HINES. No. He came down on another matter entirely. He came down with regard to the insurance of the Virginia and Rainy Lake Company, to try to secure a larger proportion of that insurance.

Senator POMERENE. He got it; did he?

Mr. HINES. No; he did not get it.

Senator POMERENE. Did you have some difference then?

Mr. HINES. Well, I would not class it as a difference. In all our other companies he has practically all our insurance. In this company my interests—

Senator POMERENE. That is, you refer to the Rainy Lake Company?

Mr. HINES. Yes. My interests in that are not as large as in the other companies. In other words, it is the only company that the Hines Lumber Co. does not control. We do not control that company. I explained to Mr. Shields that there were other interests that wanted to give a certain part of that insurance to Col. Davidson, of Duluth, and that I felt, considering the large financial interests they represented, that I could give him only about one-third of that insurance. He wanted a larger amount.

Senator POMERENE. Did Senator Stephenson's election come up in that conversation?

Mr. HINES. I do not think it did.

Senator POMERENE. That is your best recollection about it: is it?

Mr. HINES. Yes.

Senator POMERENE. I take it that you intend to have us infer from what you say that if it came up it was only as an incident?

Mr. HINES. Something might have been said incidentally, but nothing that would have any bearing on the question at the time.

Senator POMERENE. Did anything come up with reference to the services which Mr. Shields may have rendered in that connection?

Mr. HINES. No, sir.

Senator POMERENE. Did you at any time have any talk with him on the subject of compensating him for services he claimed to have rendered?

Mr. HINES. No, sir.

Senator POMERENE. Or on the subject of compensating him for services that he was about to render in that election?

Mr. HINES. No, sir.

Senator POMERENE. You know Mr. Harper, his associate?

Mr. HINES. Very well indeed, sir.

Senator POMERENE. Did Mr. Harper ever come down to see you on that subject?

Mr. HINES. No, sir.

Senator POMERENE. When did you first learn of this report to the effect that Shields claimed that you had agreed to pay him \$15,000 for his services in connection with the Stephenson election?

Mr. HINES. I never heard that he made any such claim as that.

Senator POMERENE. When did you first hear of the report that you had settled with him for half that sum?

Mr. HINES. In reading last Saturday's afternoon papers in Chicago.

Senator POMERENE. That is the first information you ever had on the subject?

Mr. HINES. Yes, sir.

Senator POMERENE. And you say that report is not correct?

Mr. HINES. Absolutely not correct.

Senator POMERENE. I think that is all I care to ask.

The CHAIRMAN. The witness is with counsel.

Mr. LITTLEFIELD. Did you agree to give him any line of insurance as a consideration for or in consequence of any services rendered at Madison or elsewhere?

Mr. HINES. No; nor have we since that time given him any more insurance than he had prior to that time.

Mr. LITTLEFIELD. You have not increased the lines of insurance at all?

Mr. HINES. No, sir.

Mr. LITTLEFIELD. Since then he himself has become a stockholder in the company; has he not?

Mr. HINES. Yes, sir.

Mr. LITTLEFIELD. And notwithstanding the fact that he is now a stockholder, his line of insurance for that company has not been increased?

Mr. HINES. No, sir.

Mr. LITTLEFIELD. How long has the line been running as it stands now?

Mr. HINES. Since the fall of 1908.

Mr. LITTLEFIELD. So that since the fall of 1908 the insurance business done by the Harper-Shields agency for the Virginia & Rainy Lake Co. has not been increased?

Mr. HINES. The proportion of the insurance done by them has not been increased.

Mr. LITTLEFIELD. Yes; I refer to the proportion.

Mr. HINES. It may have been increased in dollars and cents, on account of our carrying possibly a larger stock; but it has not been increased in proportion.

Mr. LITTLEFIELD. Yes; precisely. They have had exactly the same proportion?

Mr. HINES. Yes, sir.

Mr. LITTLEFIELD. From 1908 until now?

Mr. HINES. Yes, sir.

Mr. LITTLEFIELD. Without any increase?

Mr. HINES. Practically the same. It might be 1 or 2 per cent.

Mr. LITTLEFIELD. And that was in pursuance of the arrangement that you have already explained?

Mr. HINES. Yes, sir. I might say that Col. Davidson represents McKenzie & Mann, of the Canadian Northern Railroad, who are large stockholders in our company. Col. Davidson is in the insurance business at Duluth; and when McKenzie & Mann bought in the company, as a matter of courtesy we divided the insurance by giving Col. Davidson a large proportion of it. The rates are all the same.

Mr. LITTLEFIELD. Exactly. So it made no difference to the company?

Mr. HINES. No, sir.

Mr. LITTLEFIELD. And Col. Davidson being the direct representative of McKenzie & Mann, you felt it was proper business policy to let him have it?

Mr. HINES. Yes; it was proper business policy.

Mr. LITTLEFIELD. You said that you saw Mr. Turrish in Duluth about three weeks ago?

Mr. HINES. Yes, sir.

Mr. LITTLEFIELD. Do you know where he is now?

Mr. HINES. No, sir. Oh, at the time he spoke about making a trip West shortly, in reference to some fur interests he had.

Mr. LITTLEFIELD. As you understood it, he was then contemplating a trip to the Pacific coast?

Mr. HINES. Yes. He showed me some maps of timber lands, and we were discussing them.

Mr. LITTLEFIELD. You have not seen him since, have you?

Mr. HINES. No, sir.

Mr. LITTLEFIELD. You have no personal knowledge as to whether or not he is out there now?

Mr. HINES. No; I have no knowledge as to where he is. I have made no inquiries.

I should like to say, if I may be permitted, Mr. Chairman, that Mr. Turrish was called to Washington in regard to the same conversation; and I heard his testimony, in which he denied any such talk in Chicago as read with reference to Cook's recollection.

The CHAIRMAN. Yes; that is in the testimony taken in the Lorimer investigation.

Mr. HINES. I heard his testimony at Washington.

Mr. LITTLEFIELD. To make it a little bit more specific: Did you in that conversation in Chicago state anything like this:

"After I went to work and elected him, he goes down to Washington and starts working for free lumber."

Did you make any such statement as that?

Mr. HINES. No, sir.

Mr. LITTLEFIELD (reading). "He says: 'What do you think of him, and in the lumber business, too.'" Did you make any statement like that?

Mr. HINES. No, sir.

Mr. LITTLEFIELD (reading). "'Then,' he says, 'those Southern Democrats'"—— and without stopping to repeat it, did you use any language such as was stated with reference to the "Southern Democrats?"

Mr. HINES. No, sir.

Mr. LITTLEFIELD. I should like to have you state, briefly, what the fact was in relation to the southern Democrats in connection with their attitude as to the tariff on lumber; that is, whether or not it was consistent throughout?

Mr. HINES. In some of the States the lumbering——

The CHAIRMAN. I think probably you had better not go into that. That is a wider question, in which I partially participated on a former occasion, as to the position of the southern Democrats on the question.

Mr. LITTLEFIELD. I was only going to give this witness's understanding of it as bearing upon the probability of his making this statement.

The CHAIRMAN. I do not think it is material.

Mr. LITTLEFIELD. Very well.

The CHAIRMAN. It may involve the criticism of Members of the Senate.

Mr. LITTLEFIELD. I was trying to relieve them from criticism. That is what I wanted to do.

Senator POMERENE. I am sure they would not criticize the Democrats.

Mr. LITTLEFIELD. That was my purpose, Mr. Chairman—to relieve them from criticism.

The CHAIRMAN. I think we will not go into the question of any member of the Senate, except Senator Stephenson, as to his attitude upon any public question, in a public way.

Mr. LITTLEFIELD. Very well. I simply want the record to show that. I do not know what Mr. Hines could state; but if it be a fact that they were not properly subject to the criticism, I simply wanted the record to so appear.

The CHAIRMAN. I will suggest to counsel that I do not care to have that in the record, either in the shape of a question or an answer. We will not go into the attitude of Members of Congress upon public questions, except Senator Stephenson—no other Member at all.

Mr. LITTLEFIELD. Did you make any statement like this to Mr. Cook:

"For instance, there is Stephenson. After I went and elected him, he goes down to Washington and starts in working for free lumber. I had a terrible job getting him lined up right."

Mr. HINES. No, sir.

Mr. LITTLEFIELD. If the chairman please, as at present advised this is as far as we care to cross-examine Mr. Hines. I never have seen him before. This is the first time I have met him, here on the stand. I should like to have an opportunity to confer with him

this evening; and if there is any detail we want to cover after having talked with Mr. Hines, I should like the privilege of recalling him for that purpose and completing his cross-examination.

The CHAIRMAN. There will be no objection to Mr. Hines returning to the stand. The chairman is unable to see any possible occasion to further cross-examine him about things that he says he does not know anything about and of which he never heard.

Mr. LITTLEFIELD. I think we have covered all the ground we have to cover. But if, after talking with Mr. Hines, I find anything that I think is material, I should like to recall him for the purpose of showing it.

Senator POMERENE. Just a question or two further, Mr. Hines. You saw Senator Stephenson in Washington about the time the Payne-Aldrich bill was being considered?

Mr. HINES. Yes, sir.

Senator POMERENE. In what month was that?

Mr. HINES. I saw him in February, and also in March.

Senator POMERENE. That is, February and March, 1909?

Mr. HINES. Yes, sir.

Senator POMERENE. When were you at the banquet with Mr. Shields, to which you referred?

Mr. HINES. The banquet was given some time in February, 1909. I have not the exact date.

Senator POMERENE. And the conversation at the Grand Pacific Hotel in Chicago occurred when?

Mr. HINES. I think it occurred in June following.

Senator POMERENE. Then, you learned in February or March of Senator Stephenson's attitude as to the tariff on lumber?

Mr. HINES. I knew in a general way his attitude prior to that time.

Senator POMERENE. From this conference, if I correctly understand you, you understood that Senator Stephenson favored the retention of the \$2 duty?

Mr. HINES. Yes; he favored the retention of the duty on lumber.

Senator POMERENE. And he did not favor any reduction on it?

Mr. HINES. I do not know about "any reduction"; but he did not favor free lumber. That seemed to be the general discussion.

Senator POMERENE. Did you have more than the one conversation with Mr. Turrish in the presence of Mr. Cook?

Mr. HINES. No; only the one conversation.

Senator POMERENE. I will ask you whether in that conversation Mr. Turrish said to you this:

"Mr. Stephenson, being a lumberman, is all right, isn't he?" [Reading:] "He said"—that is, you—"No; Stephenson is an uncertain quantity." Did you say that?

Mr. HINES. No, sir; I never said it.

Senator POMERENE. Did that conversation, in substance, occur between you?

Mr. HINES. No, sir.

Senator POMERENE (reading). "That he," meaning yourself, "had done business for him for 20 years or more, and that he really did not know where he stood on the lumber question"?

Mr. HINES. No, sir.

Senator POMERENE (reading). "He was undecided"?

Mr. HINES. No, sir.

Senator POMERENE. To be fair with the witness, I will say that I was reading from the record of Tuttle's testimony in the Lorimer investigation, found on pages 1381 and 1382.

You heard Mr. Turrish testify in Washington on July 17, did you not?

Mr. HINES. I think I was there when he testified.

Senator POMERENE. When he testified as I have indicated in my question to you?

Mr. HINES. I did not know whose testimony you were reading from there.

Senator POMERENE. I intended to say, if I did not say to you, that this is the testimony of Mr. Turrish.

Mr. HINES. I did not understand the testimony. Please repeat your question.

Senator POMERENE. Since you understand that it was Mr. Turrish who was testifying, have you now any further explanation to make?

Mr. HINDS. Just read the question again.

Senator POMERENE. I will read the whole of his answer.

Mr. TURRISH. The substance of his conversation was that human nature asserted itself in different places when it came to the tariff question; that everybody wanted their individual stuff protected, but they wanted their neighbors' on the free list, or words to that effect; that human nature asserted itself when it came to that. In the course of the conversation I said to Mr. Hines, "Mr. Stephenson, being a lumberman, is all right, isn't he?" He said: (that is, you) "No; Stephenson is an uncertain quantity;" that he had done business for him for 20 years or more, and that he really did not know where he stood on the lumber question; he was undecided.

Mr. HINES. My recollection of that conversation is just the contrary.

Senator POMERENE. Explain just what you mean by that.

Mr. HINES. My recollection is that all I said at that time was that it looked as if we would have to take some reduction from \$2 a thousand.

Senator POMERENE. What is your recollection as to what you said of Senator Stephenson's attitude on the question?

Mr. HINES. I do not recollect making that statement at the time.

Senator POMERENE. Do you say that that is not true, or simply that you do not recall it?

Mr. HINES. I do not recall it, and I do not think I made it at the time, because at that time Senator Stephenson had been into one or two conferences with several senators and lumbermen advocating a tariff on lumber. It would look to me strange if that statement should be made at that time.

Mr. LITTLEFIELD. It was after that that Senator Stephenson voted for the reciprocity bill, which placed lumber on the free list?

Mr. HINES. That was some time after that.

Mr. LITTLEFIELD. It was a long time afterwards?

Mr. HINES. Senator Stephenson voted for a tariff on lumber, if I remember right.

Mr. LITTLEFIELD. In the Payne-Aldrich bill?

Mr. HINES. Yes.

Mr. LITTLEFIELD. That is, he voted for that amendment?

Mr. HINES. Yes, sir.

The CHAIRMAN. You are excused, Mr. Hines.

TESTIMONY OF C. L. PEARSON.

C. L. PEARSON, having been previously sworn, was examined and testified as follows:

The CHAIRMAN. You were at Madison in attendance on the legislature on March 4, 1909, were you?

Mr. PEARSON. Yes, sir.

The CHAIRMAN. Do you know Mr. Domachowski?

Mr. PEARSON. Yes, sir.

The CHAIRMAN. Did you hear him say anything in regard to the election of Senator Stephenson, or his connection with it, on the 4th day of March, 1909?

Mr. PEARSON. I heard him say something about an offer that he had.

The CHAIRMAN. What did he say?

Mr. PEARSON. I asked him if he had received an offer to stay out while the vote was being taken, and he said that he had. I asked him the amount of the offer. He said "\$1,500."

The CHAIRMAN. Is that all there was to the conversation?

Mr. PEARSON. I told him that that ought to be made public, or ought to be known, or something of that kind. He said he did not wish to go any further with it on account of bringing in a friend of his.

The CHAIRMAN. That is the first talk you had with him about it?

Mr. PEARSON. Yes, sir.

The CHAIRMAN. It was on the floor?

Mr. PEARSON. It was on the floor of the assembly.

The CHAIRMAN. Shortly after the election, on the same day?

Mr. PEARSON. Yes, sir; on the same day.

The CHAIRMAN. What is your business?

Mr. PEARSON. I am a farmer.

The CHAIRMAN. And a member of the legislature?

Mr. PEARSON. I am not now.

The CHAIRMAN. Were you then?

Mr. PEARSON. I was representing the twenty-seventh senatorial district at that time.

The CHAIRMAN. Who was present when he told you this?

Mr. PEARSON. There was no one present, near by.

The CHAIRMAN. Did you have any further conversation with him at any other time?

Mr. PEARSON. Yes, sir.

The CHAIRMAN. When was it?

Mr. PEARSON. About a week later, when he returned from Madison, I asked him if he was not going to make that matter known. He said that there was not anything to that; that it was a joke.

The CHAIRMAN. Did he say that no offer had been made him in good faith?

Mr. PEARSON. He said something to the effect that the offer was not in good faith, or something of that kind.

The CHAIRMAN. What was his manner on the 4th of March, when he made this statement to you?

Mr. PEARSON. He seemed to be earnest about it.

The CHAIRMAN. Did you have any impression or suggestion at that time that it was a joke?

Mr. PEARSON. No, sir.

The CHAIRMAN. The witness is with counsel.

Mr. LITTLEFIELD. I have no questions.

The CHAIRMAN. You are excused.

TESTIMONY OF W. W. POWELL.

W. W. POWELL, having been previously sworn, was examined and testified as follows:

The CHAIRMAN. Where do you reside?

Mr. POWELL. Kalamazoo, Mich.

The CHAIRMAN. What is your business?

Mr. POWELL. Newspaper man.

The CHAIRMAN. Were you engaged in that business in 1909, during the session of the Legislature of Wisconsin that elected Isaac Stephenson to the United States Senate?

Mr. POWELL. I was.

The CHAIRMAN. Do you know a man by the name of Domachowski?

Mr. POWELL. I do.

The CHAIRMAN. He was a member of the legislature at that time?

Mr. POWELL. He was.

The CHAIRMAN. Did you have any conversation with him with reference to a statement that he had made relative to having been offered \$1,500 to walk out of the assembly chamber?

Mr. POWELL. Yes, sir.

The CHAIRMAN. What was it? Just state the occurrence.

Mr. POWELL. Senator Pearson informed me that Mr. Domachowski had said to him that he was offered \$1,500 if he would walk out. Together with other newspaper reporters, we found Mr. Domachowski.

The CHAIRMAN. Who was present?

Mr. POWELL. Mr. Watrous——

The CHAIRMAN. Who was he?

Mr. POWELL. He was a reporter.

Senator POMERENE. Give the full names as you go along.

Mr. POWELL. Paul J. Watrous, a representative of The Evening Wisconsin; and Winter Everett, a representative of The Daily News.

The CHAIRMAN. Did each of you hear the conversation?

Mr. POWELL. Yes, sir.

The CHAIRMAN. You may state what took place—what was said by Mr. Domachowski and by those present.

Mr. POWELL. We told Mr. Domachowski what we had heard. He was not very communicative; he did not care to discuss it at any great length. He evaded our questions at first. Finally we gave him a rather severe cross-examination, and he admitted that he had been approached.

The CHAIRMAN. Just state the language.

Mr. POWELL. Do you mean the language of my question to him?

The CHAIRMAN. State the language that he used when you say he stated that he had been approached.

Mr. POWELL. He said, "Well, yes; I was approached."

The CHAIRMAN. Was that in response to your question?

Mr. POWELL. It was in response to a question of mine.

The CHAIRMAN. Go on and tell what he said, giving, as nearly as possible, his language.

Mr. POWELL. I asked him who approached him. I think he said, "A friend of mine." I said, "What was his name?" He did not tell me. He said it was "A friend." I asked him where it was. He said it was in Kirche's saloon, I think.

Mr. LITTLEFIELD. Where is that; in Madison?

MR. POWELL. That is in Madison. He said it was at the bar; that they were drinking a pint of beer together, and that the man told him that he might make a little something out of it if he would walk out.

The CHAIRMAN. If he would walk out of where?

MR. POWELL. Out of the assembly chamber.

The CHAIRMAN. Did he state on what occasion he was to walk out?

MR. POWELL. I am not positive that he used the words "walk out," but I think that was his statement. But it was on the occasion when Mr. Stephenson was elected.

The CHAIRMAN. What was the day and the hour when you were talking to him in the presence of these other people?

MR. POWELL. The day was the same day of the election, March 4. The hour I am not positive of; but it was after dinner, and before the afternoon papers had gone to press.

The CHAIRMAN. He was speaking of things that had passed?

MR. POWELL. Yes, sir.

The CHAIRMAN. He was not speaking as of a time before the event?

MR. POWELL. No, sir.

The CHAIRMAN. At the time he talked to you, he was reciting events that he claimed had happened before the election; was he?

MR. POWELL. Yes, sir.

The CHAIRMAN. Is there anything else in connection with this statement? What was his manner?

MR. POWELL. At first his manner was not very much disturbed. Later, when we pressed him for an answer, he began to sweat; he began to wipe his brow and leaned against the desk.

The CHAIRMAN. Is that all that transpired there in the presence of these other men whom you have named?

MR. POWELL. I think that is all, excepting that Senator Pearson came in and stood in the same room where this conversation took place.

The CHAIRMAN. Did he make any statement?

MR. POWELL. Not that I recall. I think not.

The CHAIRMAN. Did you do the questioning?

MR. POWELL. As I recall it, I asked most of the questions.

The CHAIRMAN. Did Mr. Watrous or Mr. Everett ask any questions in addition to those that you have stated as having been asked by you?

MR. POWELL. I think Mr. Watrous asked Mr. Domachowski if it was a concrete offer.

The CHAIRMAN. I find that language used in your testimony, at page 2112. You say:

Mr. Watrous asked him if it was a concrete offer, and he didn't seem to catch Mr. Watrous's point; and after a little explanation on the part of Mr. Watrous he said that he was approached, and he repeated that answer to us three or four times, and three or four times he refused to tell us the amount.

Is that a fact?

MR. POWELL. Yes, sir.

The CHAIRMAN. From whom did you gain your first information?

MR. POWELL. Senator Pearson.

The CHAIRMAN. You say here that you gained your first information from Senator Pearson, who said that Mr. Zimmerman had told him.

MR. POWELL. Yes, sir.

The CHAIRMAN. So it came to you at third hand?

Mr. POWELL. Yes, sir.

The CHAIRMAN. You then hunted up Mr. Domachowski?

Mr. POWELL. Yes, sir.

The CHAIRMAN. He was a member of the legislature?

Mr. POWELL. Yes, sir.

The CHAIRMAN. From what district?

Mr. POWELL. One of the Milwaukee districts; I think it is the twelfth and fourteenth wards here. I do not know the number of the district.

The CHAIRMAN. He is the same man who testified here to-day?

Mr. POWELL. Yes, sir.

The CHAIRMAN. I think that is about all I want to ask.

Senator POMERENE. Did he seem to be in earnest, or merely jesting about the matter, when he talked with you?

Mr. POWELL. He was very much in earnest when he talked to us.

Senator POMERENE. There was not anything in his manner, or in what he said, to indicate to you that it was a mere joke?

Mr. POWELL. No, sir.

Senator POMERENE. Or anything of that sort?

Mr. POWELL. No, sir.

Senator POMERENE. I think that is all.

Mr. LITTLEFIELD. Was Senator Stephenson's name mentioned in the conversation that occurred between yourself and Mr. Domachowski?

Mr. POWELL. I do not recall whether it was or not.

Mr. LITTLEFIELD. He declined to give any amount in answer to this inquiry about a concrete sum?

Mr. POWELL. I think so.

Mr. LITTLEFIELD. And what he said was, in substance, that this man that he met in the saloon said he could make something out of it if he would walk out?

Mr. POWELL. Yes, sir.

Mr. LITTLEFIELD. So far as he indicated the source of the information, he located it in Kirche's saloon?

Mr. POWELL. Yes, sir.

Mr. LITTLEFIELD. You are still in the newspaper business at Kalamazoo?

Mr. POWELL. Yes, sir.

Mr. LITTLEFIELD. What is your paper?

Mr. POWELL. The Gazette.

Mr. LITTLEFIELD. That is all.

TESTIMONY OF J. W. EVERETT.

J. W. EVERETT, having been previously sworn, was examined and testified as follows:

The CHAIRMAN. Where do you reside?

Mr. EVERETT. Milwaukee.

The CHAIRMAN. What is your business?

Mr. EVERETT. The newspaper business.

The CHAIRMAN. With what paper are you connected?

Mr. EVERETT. The Milwaukee Daily News.

The CHAIRMAN. Were you at Madison in March, 1909?

Mr. EVERETT. I was.

The CHAIRMAN. Did you meet Mr. Domachowski there?

Mr. EVERETT. I did.

The CHAIRMAN. Did you have any conversation with him, in the presence of others or otherwise, in regard to his receiving an offer of fifteen hundred dollars to walk out of the legislature?

Mr. EVERETT. I did.

The CHAIRMAN. State what it was.

Mr. EVERETT. The conversation was largely between Mr. Powell and Mr. Domachowski. We went into the main room where the special investigating committee were examining witnesses, and Domachowski stood there. We called him into a side room, and when we got in there we told him the story that we had heard—that he had said he had been approached and offered money to go out of the chamber.

The CHAIRMAN. When? When was it said he had been offered money to go out?

Mr. EVERETT. I do not know whether he said on that day or not; but the general understanding was that the conversation was about what had happened on that day. He dodged, and said one thing and another. Finally, Powell cross-questioned him very closely, and he admitted he had been approached. Then, if I remember correctly, Powell said: "By whom?" and he said: "By a friend;" and Powell tried to get who the friend was, and he would not say who the friend was. Then Watrous said: "Well, was it a concrete offer?" and, as I say, he did not seem to understand what that was. That was explained to him, and he nodded his head and said "Yes;" and that was all that occurred.

The CHAIRMAN. Did he at any time tell you that it was a joke?

Mr. EVERETT. He did not.

The CHAIRMAN. Did you ever talk to him about it afterwards.

Mr. EVERETT. I never did.

The CHAIRMAN. Were you personally acquainted with him?

Mr. EVERETT. Not very well. I knew him, just to see him in the chamber.

The CHAIRMAN. You believed the story, did you?

Mr. EVERETT. I printed it in my paper.

The CHAIRMAN. There might be an inference from that; but I want to ask you the question: Did you believe this story to be true as he told it to you?

Mr. EVERETT. I thought there was something behind what Domachowski was saying.

The CHAIRMAN. What do you mean by "something behind it"? Do you mean that there was some truth in it?

Mr. EVERETT. Yes, sir.

The CHAIRMAN. Did you ever make any further investigation of the matter?

Mr. EVERETT. I tried to, yes; but I never could get any further on it. He went in and said before the committee, I remember—whether he said it before the Wisconsin committee I am not sure, but I think he did—that it was Joe O'Neill with whom he talked; and I think I went to Joe O'Neill at one time and asked him about it, but I never got anything. They said it was a joke, and that was all you could get out of it.

Mr. LITTLEFIELD. O'Neill said what?

Mr. EVERETT. I think O'Neill said it was a joke.

The CHAIRMAN. That is, O'Neill said it was a joke?

Mr. EVERETT. I think he did. I would not swear positively that I saw O'Neill; but I saw some of the people that O'Neill had talked with about the matter, and they said it was a joke.

Mr. LITTLEFIELD. Was that what took place in the Kirche saloon?

Mr. EVERETT. That was what took place in the Kirche saloon.

The CHAIRMAN. In this conversation was Senator Stephenson's name, or the name of anyone associated with him, connected with it?

Mr. EVERETT. I do not think it was; no.

The CHAIRMAN. Did you understand that this was a charge on the part of Mr. Domachowski that some one in the interest of Senator Stephenson had offered him money to stay out?

Mr. EVERETT. I did; yes, sir.

The CHAIRMAN. What gave you that impression?

Mr. EVERETT. Well, I do not know; I do not know whether it was put to him in just that way; but Domachowski understood that we meant "Had anybody connected with that campaign offered him money to stay out?" There was not any question about that.

The CHAIRMAN. There were a great many men connected with that campaign, all of them very antagonistic to Senator Stephenson, were there not?

Mr. EVERETT. Oh, yes; but he knew that we were connecting the thing up, I think, in some way, with the Democrats that walked out. Whether or not it was said in so many words I do not know.

The CHAIRMAN. Why did you not ask him whether it was a Stephenson man that offered him the money?

Mr. EVERETT. Well, I will tell you; I was very anxious to get back and get the stuff off.

Senator POMERENE. It was a "scoop"?

Mr. EVERETT. Yes, sir.

The CHAIRMAN. You wanted to get it off right, did you not?

Mr. EVERETT. Yes, sir.

The CHAIRMAN. You realized that it was a very serious charge against Senator Stephenson?

Mr. EVERETT. Yes, sir.

The CHAIRMAN. As it was made by Domachowski?

Mr. EVERETT. Yes, sir.

The CHAIRMAN. And that of course it ought not to be given any circulation unless it was connected with him. Did not any of the reporters that were there attempt to get a statement from this member of the legislature as to whether or not this came from a Stephenson source?

Mr. EVERETT. No, sir; I do not think it was put right to him in regard to being from a Stephenson source.

The CHAIRMAN. You just took it for granted that it was?

Mr. EVERETT. Yes, sir; we took it for granted; and I think he took it for granted that we were questioning him that way. The circumstances, the feeling around there, were such that anybody if asked that question would have regarded it as a Stephenson source. It was a day of great excitement.

The CHAIRMAN. They were looking for that kind of thing, were they?

Mr. EVERETT. Yes, sir.

The CHAIRMAN. And ready to believe almost anything that was offered?

Mr. EVERETT. Well, it was a day of great excitement in Madison.

The CHAIRMAN. This was after the election had taken place?

Mr. EVERETT. This was after the joint ballot.

The CHAIRMAN. You believed the story. That is, you got the impression that it was true?

Mr. EVERETT. I believed there was something behind Domachowski's story that he had been offered \$1,500 to stay out. I did not know whether that was so or not, but I believed there was something—that something had occurred there.

The CHAIRMAN. You attended the hearings before the Senate committee, did you not? You testified there?

Mr. EVERETT. I testified before the committee.

The CHAIRMAN. You heard the others testify?

Mr. EVERETT. I heard the other reporters testify. I never heard Mr. Domachowski testify.

The CHAIRMAN. You have doubtless read his testimony, however?

Mr. EVERETT. Oh, yes; I read his testimony. I read it right there that day.

The CHAIRMAN. Did that change your mind as to the authenticity of this statement by Domachowski? I merely want to know what effect the whole story had ultimately on your mind.

Mr. EVERETT. I do not like to say this, because it is a mere matter of opinion—

The CHAIRMAN. I know; but it seems to me that it is your duty to express yourself, you having expressed yourself as taking on the impression that it was a charge against Senator Stephenson, well founded, at the time. Now you have investigated the matter and testified in the case and heard others testify, and I want to test the character of the impression that you first acted on.

Mr. EVERETT. Your later question asks my impression now. The impression I first acted upon was that there was something there. The impression that I carry now, if you want that impression—

The CHAIRMAN. Yes; I want your impression.

Mr. EVERETT. It is that perhaps Domachowski knew that there were stories floating around in Madison, and that Domachowski thought there was "something doing," and thought that Joe O'Neill had something to do with anything that was "doing," because Joe O'Neill was around there, and he was known to be a political worker among the Democrats here; he had been a Rose worker—

The CHAIRMAN. He was a Democrat, was he?

Mr. EVERETT. Yes, sir, and a man of that character, and that possibly Domachowski thought there might be "something doing" his way. Now, I have no evidence to sustain that opinion.

The CHAIRMAN. I was asking for your impression as to the concrete fact about which you inquired of him at the time. Having read Domachowski's testimony, having testified yourself, and having heard your coworkers testify, I want to know whether there still rests in your mind a belief strong enough for you to base a responsible statement upon that Domachowski was offered anything to stay out.

Mr. EVERETT. I will not say that I believe Domachowski was offered anything to stay out. I believe Domachowski believed there

was "something doing," that there was something wrong there, and that he was very desirous of knowing about it.

The CHAIRMAN. That hardly answers the question. You dealt with Domachowski once through the public print?

Mr. EVERETT. Yes, sir.

The CHAIRMAN. You did that with the responsibility of your paper behind you, and you must have created on the public mind an impression very injurious to this man. You have heard him testify to-day? You were present when he testified?

Mr. EVERETT. Yes, sir.

The CHAIRMAN. You have read his testimony on a former occasion, and the public took your impression once?

Mr. EVERETT. Yes, sir.

The CHAIRMAN. It took your impression in condemnation of him. Do you want it to take it the second time in condemnation of him?

Mr. EVERETT. Yes; I would want it to take the condemnation a second time.

The CHAIRMAN. You believe Domachowski was offered \$1,500?

Mr. EVERETT. I have not said that. I said that I believed that Domachowski at least thought there was something wrong there, and that he was willing to inquire about that something wrong.

The CHAIRMAN. That was not what he said—that he thought there was something wrong.

Mr. EVERETT. I know it.

The CHAIRMAN. He said he was offered \$1,500, and in response to a question asked by Mr. Powell or Mr. Watrous he said it was a concrete offer.

Mr. EVERETT. Yes, sir.

The CHAIRMAN. Even though he may not have understood what that meant, you do?

Mr. EVERETT. Yes, sir.

The CHAIRMAN. Do you believe that he had a concrete offer of \$1,500 if he would stay out and thus effect the election of Senator Stephenson?

Mr. EVERETT. I do not believe I do.

The CHAIRMAN. I think you have answered exactly right. I do not believe you do.

Mr. EVERETT. No; I do not.

The CHAIRMAN. It would be very unfair for you to send out an ambiguous impression at this time, having sent out one that affected the public mind before.

Mr. EVERETT. Yes, sir.

The CHAIRMAN. I say that, not in the sense of a little speech or lecture, but because I want you to know why I was pressing you on that question.

Mr. EVERETT. Yes, sir. I should like to correct one thing——

The CHAIRMAN (continuing). Because you will be discussing the effect of this testimony in your paper after awhile.

Mr. EVERETT. I do not know whether I ever talked to Joe O'Neill himself about that or not, but I talked with some of those fellows around there, and, as I say, some of the men that were around there, and they all said it was a joke. I rather remember that I went and looked for Joe O'Neill, and found he had gone back to Milwaukee. That is my remembrance of it.

Mr. LITTLEFIELD. I did not get what the witness last said.

Mr. EVERETT. I think I am mistaken about saying I ever talked with Joe O'Neill about it. I went and talked with some one that afternoon.

Mr. LITTLEFIELD. I do not think you did state that. You said that either you did, or somebody you knew, talked with him.

Mr. EVERETT. They all said it was a joke.

The CHAIRMAN. When did they say that? Let me interrupt you.

Mr. EVERETT. It was either that night or the very next day. I was following up the story, and it was either that evening or the next day, and I was told that.

The CHAIRMAN. If counsel will develop that it will avoid my interrupting the examination of counsel.

Mr. LITTLEFIELD. I do not think we will ask him anything.

TESTIMONY OF M. A. HOYT.

M. A. HOYT, having been previously sworn, was examined and testified as follows:

The CHAIRMAN. Where do you reside?

Mr. HOYT. Milwaukee.

The CHAIRMAN. How long have you resided there?

Mr. HOYT. About 23 or 24 years.

The CHAIRMAN. What is your occupation?

Mr. HOYT. I am editor of the Milwaukee Daily News.

The CHAIRMAN. You were a candidate for United States Senator at the primary election in 1908?

Mr. HOYT. Yes, sir, I was; for the nomination on the Democratic ticket; yes, sir.

The CHAIRMAN. And, through the nomination, for the election?

Mr. HOYT. I was not nominated, and consequently—

The CHAIRMAN. No; I say, you were a candidate?

Mr. HOYT. Yes.

The CHAIRMAN. Do you know a man by the name of Wagner?

Mr. HOYT. I do.

The CHAIRMAN. How long have you known him?

Mr. HOYT. Oh, I think for 8 or 10 years—somewhere in that neighborhood—that is, I believe you mean Frank Wagner?

The CHAIRMAN. Yes. Did Mr. Wagner, during the session of the legislature in 1909, call you up for the purpose of making any statement to you in regard to the Stephenson candidacy for the election?

Mr. HOYT. I never received a telephone call from him on the question.

The CHAIRMAN. You met him personally, then; did you?

Mr. HOYT. He called at the office, or he was in the office.

The CHAIRMAN. Did he make a statement to you at that time?

Mr. HOYT. He made a sort of a fragmentary statement to me at the time; yes, sir.

The CHAIRMAN. Was it one in which you placed any reliance?

Mr. HOYT. It was not.

The CHAIRMAN. And not one that you published anything in regard to?

Mr. HOYT. Not until after the investigation at Madison, when he testified. Up to that time I put no forces whatsoever in motion in connection with it further than that I asked this question. I asked

the legislative correspondent, when he was in after he had called, if he had heard anything of rumors about it around Madison, and he said he had not; and I simply said to him, if he did, to apprise me. That was practically all that was said.

Mr. LITTLEFIELD. This was your legislative correspondent?

Mr. HOYT. Our legislative correspondent; yes, sir.

The CHAIRMAN. What did he tell you?

Mr. HOYT. He told me, in effect, that there had been a condition at the Plankinton House that he knew about. He stated to me that he was a detective. Up to that time I did not know that he was doing detective work; I did not know that that was his occupation. He stated to me that he had been around the Plankinton House, and there had been a condition discovered there, or talked about, and discovered, with which he had connection, to the effect that in some room some members of the legislature had been present, and that a certain banker——

The CHAIRMAN. Give the names, please.

Mr. HOYT. I do not recall whether he told me the names. I was impatient; I did not wait; I did not talk to him or listen to him 10 minutes. I was walking away, edging away from him all the time, toward the door. It was in the business office. I think he mentioned three members of the legislature. I think he mentioned Mr. Ramsey's name and Mr. Farrell's name; and I do not think he mentioned the third, as I recall it. Then there was a banker referred to whose name he did not mention, as I recall the conversation. It was so improbable that I edged away from him toward the door, and before the conversation was over I had passed from the office to the outer door of the office, the business office. It seemed so improbable that I did not stop. I hesitated to discuss the thing.

The CHAIRMAN. What was his manner?

Mr. HOYT. His manner?

The CHAIRMAN. Yes.

Mr. HOYT. I did not notice any particular difference in his manner than when I had seen him on other occasions. He seemed to think he knew something; but the manner of presentation and the improbability of it did not impress me and I did not want to stop to talk.

The CHAIRMAN. Why did you deem it improbable?

Mr. HOYT. I felt that the story to me seemed highly improbable, as those stories come; and I did not have large confidence in what he said.

The CHAIRMAN. Did he speak of it as something then in process of occurrence?

Mr. HOYT. He said that this was after it had happened, as I recall it.

The CHAIRMAN. How long afterwards?

Mr. HOYT. Oh, I imagine, to the best of my recollection, a week or probably 10 days afterwards.

The CHAIRMAN. It was not something occurring substantially at that time?

Mr. HOYT. Oh, no, no.

The CHAIRMAN. He was reciting to you something that he claimed to have occurred?

Mr. HOYT. To have occurred; yes.

The CHAIRMAN. And he gave you the names of the parties, did he?

Mr. HOYT. He did. As nearly as I can recollect, I think he mentioned Mr. Ramsey's name.

The CHAIRMAN. Did he connect Mr. Regan with it?

Mr. HOYT. I think he said that Mr. Regan knew about it, in the conversation.

Mr. LITTLEFIELD. That is "Mat" Regan, is it not?

Mr. HOYT. Yes; Mr. Mat Regan.

The CHAIRMAN. Did you have any further conversation with him about it?

Mr. HOYT. That was the only conversation I had.

The CHAIRMAN. He related to you a conversation which he said he had heard in the room where the men were with the money, did he?

Mr. HOYT. I do not recall. He said he had knowledge of it, as he made the statement to me.

The CHAIRMAN. Did he tell you how he obtained the knowledge?

Mr. HOYT. No; I do not recall his saying so.

The CHAIRMAN. Did he tell you where the occurrence took place?

Mr. HOYT. He said in one of the rooms of the Plankinton House.

The CHAIRMAN. Did he tell you what room?

Mr. HOYT. No; he did not give me the number of the room.

The CHAIRMAN. Have you knowledge as to whether this is the man that was subsequently indicted for having sworn to the statement in regard to this occurrence?

Mr. HOYT. It is my understanding that it is the same man. I was not present.

The CHAIRMAN. He was tried and convicted, was he?

Mr. HOYT. I believe so.

The CHAIRMAN. Have you knowledge of it?

Mr. HOYT. No further than public statement of it through the newspapers; that is all. I was not at the trial.

The CHAIRMAN. Did you testify in the case where he was tried for the criminal offense?

Mr. HOYT. I did not; no, sir.

The CHAIRMAN. Did you investigate the scene at the hotel where he said this happened?

Mr. HOYT. I did not. I did not put a force in motion, further than asking the question of the correspondent from Madison, when he came in, whether he had heard any rumors of such a story. I did not even tell the city editor to investigate it.

The CHAIRMAN. You did not tell the editor?

Mr. HOYT. No, sir.

The CHAIRMAN. And you did not put it in the news items?

Mr. HOYT. Oh, no; and I published nothing about it until after the testimony at Madison before the legislative committee.

The CHAIRMAN. About when was this?

Mr. HOYT. The publication?

The CHAIRMAN. No; the time he told you this.

Mr. HOYT. Oh, this was some time, I should judge, about the 10th of March—from the 10th to the 15th of March; somewhere in that neighborhood. I can not recall it exactly.

Mr. LITTLEFIELD. Is it not a fact, Mr. Hoyt, that the appearance of Mr. Wagner, and the story he told you, led you to look upon him as mentally unbalanced?

Mr. HOYT. I could not say that I was impressed with the fact that he was mentally unbalanced; but I was impressed with the improbability of the story.

Mr. LITTLEFIELD. Did he appear to be a vicious man, or did he appear to be a man who was stating this story under circumstances where perhaps he might not be entirely responsible for its truth?

Mr. HOYT. He did not appear to me to be a vicious man. He impressed me with the idea that he thought he had found something, when I felt, in my impression, that he had not.

Mr. LITTLEFIELD. But there was not enough that occurred to lead you to reach any conclusion as to his mental condition?

Mr. HOYT. No; not in the conversation.

Mr. LITTLEFIELD. That is, his appearance and the character of the story impressed you as being entirely improbable?

Mr. HOYT. Yes, sir; highly improbable.

Mr. LITTLEFIELD. And for that reason you paid no attention whatever to it?

Mr. HOYT. I paid no attention to it.

Mr. LITTLEFIELD. No notice of it was taken in your paper until it became a matter of official information before the committee?

Mr. HOYT. Exactly.

Mr. LITTLEFIELD. That is all.

The CHAIRMAN. That is all.

TESTIMONY OF JAMES H. STOVER.

JAMES H. STOVER, having been previously sworn, was examined and testified as follows:

The CHAIRMAN. You have been sworn, Mr. Stover?

Mr. STOVER. Yes, sir.

The CHAIRMAN. You are an attorney practicing law here, are you?

Mr. STOVER. Yes, sir.

The CHAIRMAN. Do you know Mr. Frank T. Wagner?

Mr. STOVER. Yes, sir.

The CHAIRMAN. How long have you known him?

Mr. STOVER. About nine or ten years.

The CHAIRMAN. Where have you known him?

Mr. STOVER. I have known him here in Milwaukee.

The CHAIRMAN. Did he make a statement to you at any time with reference to having looked over a transom and having seen certain members of the legislature receiving money from any person and about hearing a conversation in connection therewith?

Mr. STOVER. Yes, sir.

The CHAIRMAN. Tell the committee about that.

Mr. STOVER. A short time after the election of Senator Stephenson I met this man on West Water Street. He followed me out of the restaurant on to the street, and wanted to tell me a story, which I stopped and heard.

The CHAIRMAN. Tell us about when that was.

Mr. STOVER. I could not give you the exact date. It was before the first Tuesday in April, and after the 4th of March. I should think it was about the 8th or 9th of March, as near as I can locate the time. He told me quite a story—a lengthy story, too. I wanted to know if he had any corroboration of the story. He said he had none. I told him I thought he had better get some corroboration as early as he could, and that he had better go to Mr. Hoyt and tell these things

to him, and have Mr. Hoyt put his staff of reporters to finding out if there was any truth in the story. It seems to me he told me that he had seen Mr. Hoyt. As early as I could I got away from him and went back to my work.

Later I met one of my friends, perhaps a week afterwards, and he was talking about the method that had been pursued by these three Democratic legislators, and said that he believed there was something wrong about it. I told him a man had come to see me and had told me these stories. He wanted to know his name, and at that time I could not think of this man's name. He wanted me to look the man up, and find out who he was, and have another conversation with him. The following day I made an effort to find out who he was—that is, to find out his name. I knew his face very well. I found out his name and where he had been located in the Loan and Trust Building. I went down there to find him. I did not find him; but I left word at places where he had been in the habit of going to the effect that I wanted to see him, and for him to call upon me at my office.

I heard nothing more of him until one day I met him in the Plankinton Hotel and stopped him and said to him, "Wagner, what was that story you told me on West Water Street some time ago?" He then proceeded to detail to me the same story that he had before told. We talked perhaps 15 or 20 minutes. Then he had to go. It came 2 o'clock, and he had an engagement, he said, and had to go. I told him I wanted him to go and see my friend who had spoken about the matter, and he said he would.

Later I again met him, and I said to him, "Wagner, what was that story you detailed to me on West Water Street?" In the meantime I had taken the number of the room, which I think he said was 325, in the Plankinton House, on the parlor floor. I had gone up there to see if there was any such room on that floor, and found there was no such room on that floor—no such number on that floor. I met him in the Plankinton House a third time, and got him to tell me the story over again. At its conclusion I said, "Wagner, your story is untrue, because there is no such room on the parlor floor—no such numbered room on the parlor floor." He said, "There must be." I said, "No; there is not." He said, "Then they have changed the numbers of the rooms." I said, "Wagner, they have not. Those have been the same numbers on that floor for a good many years." Then he came back at me and said, "Well, the number of the room is not material, anyhow. If there is a room there with a transom to it, that is the room."

He told me the story three times, and as near as I can remember it corroborated itself in each instance. He told the same story three different times.

The CHAIRMAN. How long was this after the occurrence was claimed to have happened?

Mr. STOVER. He claimed that it happened before the 4th of March. I think he first told me about the 9th or 10th of March, as near as I can make it out now.

Senator POMERENE. His conversation with you was on the 9th or 10th?

Mr. STOVER. Yes.

The CHAIRMAN. That is, the first conversation?

Mr. STOVER. Yes. The second conversation was about nine days after the first, it seems to me; and the third conversation was about three or four days after the second.

The CHAIRMAN. Did he connect Matt Regan with that occurrence when he talked to you?

Mr. STOVER. Yes.

The CHAIRMAN. Did he tell you he was the man who brought the money into the room?

Mr. STOVER. No, sir.

The CHAIRMAN. Who did he claim brought the money into the room?

Mr. STOVER. He claimed that a banker of this city brought the money into the room.

The CHAIRMAN. Mr. Puelicher?

Mr. STOVER. Yes.

The CHAIRMAN. What part did he attach to Mr. Regan?

Mr. STOVER. As I remember, he told me that Mr. Puelicher brought the money up and gave it to Regan, and that subsequently the three men came into the room, and Regan gave them the money.

The CHAIRMAN. That is, that he distributed the money?

Mr. STOVER. That is what he told me.

The CHAIRMAN. This is the same man who was afterwards convicted of perjury for testifying to those facts, is it not?

Mr. STOVER. Yes.

The CHAIRMAN. And who was sentenced to the penitentiary?

Mr. STOVER. Yes.

The CHAIRMAN. That is all.

Mr. LITTLEFIELD. I have no questions.

(Whereupon, at 4 o'clock and 30 minutes p. m., the subcommittee adjourned until Tuesday, October 24, 1911, at 10 o'clock a. m.)

TUESDAY, OCTOBER 24, 1911.

FEDERAL BUILDING,
Milwaukee, Wis.

The subcommittee met at 10 o'clock a. m.

Present: Senators Heyburn (chairman) and Pomerene.

Present also: Mr. C. E. Littlefield, Mr. W. E. Black, and Mr. H. H. J. Upham, counsel for Senator Isaac Stephenson.

TESTIMONY OF PAUL J. WATROUS.

PAUL J. WATROUS, having been heretofore duly sworn, was examined and testified as follows:

The CHAIRMAN. Where do you reside?

Mr. WATROUS. My residence is in Milwaukee.

The CHAIRMAN. What is your occupation?

Mr. WATROUS. I am secretary of the Industrial Commission at Madison.

The CHAIRMAN. Were you reportin for any newspaper during the session of the legislature in 1909, at which Senator Stephenson was elected to the Senate of the United States?

Mr. WATROUS. Yes.

The CHAIRMAN. Did you hear any conversation or have any conversation with Mr. Domachowski, a member of the Legislature of Wisconsin, on or about the 4th day of March, 1909?

Mr. WATROUS. Yes.

The CHAIRMAN. Had you known him before that time?

Mr. WATROUS. Yes; slightly.

The CHAIRMAN. Who were present when the conversation occurred?

Mr. WATROUS. J. Winters Everett, W. W. Powell, and during a part of the conversation Senator Pearson.

The CHAIRMAN. What was the subject of that conversation?

Mr. WATROUS. The subject of the conversation was a statement by Mr. Domachowski that he had been offered \$1,500 to stay out of the chamber during the vote for United States Senator.

The CHAIRMAN. You heard Mr. Domachowski repeat that statement in the presence of these gentlemen, did you?

Mr. WATROUS. Yes.

The CHAIRMAN. Did he afterwards retract it?

Mr. WATROUS. He retracted it on the witness stand before the senatorial investigating committee.

The CHAIRMAN. When he made the statement to you, did he seem to be in earnest, and telling a thing as though it had happened?

Mr. WATROUS. Very much so.

The CHAIRMAN. Was his earnestness that of confusion or that of affirmation of the story at the time?

Mr. WATROUS. I should say a little of each.

The CHAIRMAN. He seemed to be wrought up, did he?

Mr. WATROUS. Considerably.

The CHAIRMAN. If it had been the truth, was there any occasion for being wrought up over it? Would his manner not have been the opposite, he having rejected the proffer?

Mr. WATROUS. I could not say as to that.

The CHAIRMAN. You are accustomed to interviewing men and observing their manner; and for that reason I ask you the question.

Mr. WATROUS. I have not been accustomed to interviewing men under circumstances like that.

The CHAIRMAN. It does not often occur?

Mr. WATROUS. It did not to me.

The CHAIRMAN. I notice that some of those who were present say his manner was one of excitement and confusion, and that he perspired and showed evidence of distress. Was that your observation?

Mr. WATROUS. Yes.

The CHAIRMAN. I want to be perfectly fair to him. We want to form an accurate judgment here based upon the best statement of facts that we can get. That is the reason I am submitting this alternative proposition to you.

Mr. WATROUS. The exterior demonstration was there, but it would be hard for me to interpret just what it meant. It might have meant excitement and earnestness or confusion and embarrassment.

The CHAIRMAN. The excited earnestness would, you think, be natural if the facts were true as he stated them, no blame attaching to him, and the confusion would be the interpretation that would naturally be placed upon it if he had done a foolish or a reckless thing and did not know just how to get out of it?

Mr. WATROUS. Yes; that is possible.

The CHAIRMAN. In answer to a question which was asked you in your former testimony you said:

And we fellows were questioning him as the questions occurred to us, and I asked him if he had received an offer. At first he was very reticent, but as we insisted he began telling us a few things, and admitted an offer had been made to him. As I recollect it, he would not state any amount he had been offered. He also refused to tell who made that offer, and, as Mr. Powell testified, I asked him if a concrete offer was made to him, and he hesitated over the question, and I said, "Was a real offer made to you?" and he said, "Yes." That is about all there was of the conversation.

I suppose that tells the story?

Mr. WATROUS. I should say so, substantially; yes, sir.

The CHAIRMAN. It is the duty of the committee to consider the interpretations of which a conversation may be susceptible. We are not trying anybody.

Mr. WATROUS. I understand.

The CHAIRMAN. We appeal, therefore, to the judgment of men trained as reporters are to observe the effect of a conversation upon a man.

Mr. WATROUS. I understand.

The CHAIRMAN. For that reason I ask you now whether or not, in your judgment, his manner was more that of a person under confusion than that of a person earnest in the pursuit of a wrongdoer?

Mr. WATROUS. May I answer that as it occurs to me to answer it?

The CHAIRMAN. I would answer it, if I were you, in the light of all that transpired.

Mr. WATROUS. I did not hear the testimony on yesterday, and my answer, therefore, is uncolored by that testimony. I have always thought that Mr. Domachowski was very much in earnest, but have always felt at the same time that any opinion ought to be tempered by a lack of knowledge of the Polish character. That might have been his peculiar sense of humor, and therefore it would be hard to form any definite judgment. That is the way I have always felt about it.

The CHAIRMAN. Do you know Robert J. Shields?

Mr. WATROUS. I have met him.

The CHAIRMAN. Did you see him around the assembly chamber or around the capitol during the days immediately preceding the election?

Mr. WATROUS. Yes.

The CHAIRMAN. Do you remember that distinctly?

Mr. WATROUS. Yes.

The CHAIRMAN. You testified before the Senate committee, if you are correctly reported, as follows:

Q. Did you see him around the assembly chamber or around the capitol during the days immediately preceding the election?—A. No; I don't remember having seen him; I had not met him until after the election of Stephenson. There was so many people here that I would not have remembered it.

That is your answer as printed in this report.

Mr. WATROUS. I met Mr. Shields on March 4, shortly after noon, and at that time I realized that I had seen him before around the chamber. That was the first time I had met Mr. Shields and known him—seen him face to face and met him by name.

The CHAIRMAN. You state here in answer to further questions that you had a talk with him later.

Mr. WATROUS. On March 4.

The CHAIRMAN. The first question was about the days immediately preceding the election, and you stated you had not seen him during the days immediately preceding the election. Then you were asked:

Q. Did you have any talk with Mr. Shields?—A. Yes, sir; I had a talk with him.

Q. About what—about the election?—A. Mostly about the election.

Q. From your talk did you learn whether or not he was a supporter of Stephenson?—A. Oh, he was.

Q. Was he an active supporter of Stephenson?—A. Yes, sir.

Q. Can you tell us anything further about Mr. Shields or your conversation with Mr. Shields in regard to the election? What was the substance of what was spoken of between you?—A. It may bring out a rather long story, I am afraid, maybe. Do you want me to tell it?

Q. Yes.

Can you repeat that story now?

Mr. WATROUS. No; I never memorized it, and I doubt if I could.

The CHAIRMAN. Can you state the facts in the language of to-day?

Mr. WATROUS. I could tell what I remember of it.

The CHAIRMAN. Suppose you try, and see if you can tell us what occurred there.

Mr. WATROUS. I will try.

The CHAIRMAN. And what was spoken of between you?

Mr. WATROUS. I will try to do it, Senator.

The election of Senator Stephenson, as I remember it, came shortly after noon on March 4. After having written what we call the "lead" for the newspaper story, I went over to the Avenue Hotel, and got there just before 2 o'clock, as I remember. I went to the dining room and sat at a table near the entrance to the dining room. After I had been there a moment three men came in. As I remember it, those three men were Henry Overbeck, Dick White, and Bob Shields. I was introduced to Mr. Shields at that time.

The CHAIRMAN. So that you did not meet Mr. Shields until after the election had taken place?

Mr. WATROUS. As I recall it, Senator. Understand, I have not read over my testimony of two years ago. About the only thing I remember that occurred at that luncheon after they came and sat at my table was some conversation about the telegram from Ripon to Assemblyman Thomas Ramsey, now deceased. As I remember it, Mr. White said something to the effect that "it was funny he had not thought of that before."

The CHAIRMAN. That referred to the pair between Ramsey and Fenelon?

Mr. WATROUS. It referred to the request for a pair, addressed to Ramsey. That is about all I remember of that incident, Senator.

Mr. LITTLEFIELD. You say Mr. Domachowski afterwards retracted the statement he made to you on the stand?

Mr. WATROUS. He retracted on the stand the statement that he had made to us. No; he did not retract the statement. He said that he made a misstatement.

Senator POMERENE. How long a time intervened between the statement to you gentlemen and the time of the testimony?

Mr. WATROUS. I am sorry that I can not give you that date, Senator.

Senator POMERENE. Was it a matter of several days?

Mr. WATROUS. Oh, yes.

Mr. LITTLEFIELD. When you say he retracted the statement, you do not mean to say that he denied having said that he had been approached; but he said that it was a joke, and was not intended seriously by him?

Mr. WATROUS. I should have worded that differently. He said it was a joke.

Mr. LITTLEFIELD. That is what you mean by that—not that he retracted the statement, but that he gave a different account of it, and said that instead of its being a serious statement it was intended by him as a joke?

Mr. WATROUS. That is what he said on the stand.

Mr. LITTLEFIELD. Yes. That is what you mean by "retracting," as I take it; is it not?

Mr. WATROUS. Did I say he retracted the statement?

Mr. LITTLEFIELD. Yes; you did say that. You said he retracted it on the stand. I supposed that what you referred to was what actually took place.

Mr. WATROUS. I misused the word, then.

Mr. LITTLEFIELD. He did not undertake to deny that he stated to you and to Mr. Powell and Mr. Everett substantially what you say?

Mr. WATROUS. As I remember it, he said that he was joking.

Mr. LITTLEFIELD. Yes; he said that he was joking when he said it?

Mr. WATROUS. Yes.

Mr. LITTLEFIELD. You were interviewing him, I suppose, for the purpose of getting news material for your paper?

Mr. WATROUS. That is rather a hard question to answer, I think, Mr. Littlefield.

Mr. LITTLEFIELD. You were a reporter; were you not?

Mr. WATROUS. We were reporters.

Mr. LITTLEFIELD. What were you reporting for?

Mr. WATROUS. The Evening Wisconsin.

Mr. LITTLEFIELD. Were you not looking around there for news to send your paper?

Mr. WATROUS. That would be hardly a matter of news. We desired to keep in close touch with the whole situation.

Mr. LITTLEFIELD. Up to that time, had anything in relation to the Domachowski matter been published in your paper?

Mr. WATROUS. Up to what time?

Mr. LITTLEFIELD. Up to the time you had the interview with Domachowski.

Mr. WATROUS. No; there was no occasion to mention his name. Oh, I suppose his name had been mentioned.

Mr. LITTLEFIELD. It was on the 4th of March; was it not?

Mr. WATROUS. It was on the 4th of March.

Mr. LITTLEFIELD. And that is the first day he is said to have made the statement. It could not very well have been in your paper before that, could it?

Mr. WATROUS. No, sir.

Mr. LITTLEFIELD. If he had made the statement, and it was taken by you seriously, would you not consider that an important item of news?

Mr. WATROUS. Yes, sir.

Mr. LITTLEFIELD. And you were interviewing him, I suppose, for the purpose of ascertaining whether there was any news in it?

Mr. WATROUS. Well, yes; in a way.

Mr. LITTLEFIELD. You were not doing anything else but reporting for your paper at that time, were you?

Mr. WATROUS. Newspaper men do a great deal besides reporting for the paper.

Mr. LITTLEFIELD. Oh, yes, I know; but they are employed for that purpose, I take it.

Mr. WATROUS. You know yourself, as a lawyer, that in this case that particular piece of news would be a very dangerous piece of news to print.

Mr. LITTLEFIELD. I am not asking you about that at all. I do not know, as a lawyer, that it would be dangerous news to print as a statement of Mr. Domachowski's. I know that it would be perfectly safe for you to print it, if you want my opinion as a lawyer. There is not any doubt about it. Whatever Domachowski said to you, not implicating anybody else, could have been printed with absolute safety. You did not know that, did you?

Mr. WATROUS. I think if you will look up the Wisconsin decisions, you will find that——

Mr. LITTLEFIELD. I do not know anything about the Wisconsin decisions. They may have some rules of law that do not prevail elsewhere. But unless they do, I say to you that that statement could have been printed with absolute safety. If you had simply printed what Mr. Domachowski said, he could not have complained; he did not implicate anybody else, and nobody else could have complained; and there is not any question at all that it could have been printed with absolute safety. You may have thought the other way at the time, of course.

The CHAIRMAN. Will counsel pardon me? We were conferring about a matter.

Mr. LITTLEFIELD. Yes.

The CHAIRMAN. Did counsel ask the question whether he did print the item, or why he did not print it?

Mr. LITTLEFIELD. No; I have not gotten to that yet. I was asking him whether he was interviewing him for the purpose of getting news.

The CHAIRMAN. All right; then I will follow it. My attention was diverted.

Mr. LITTLEFIELD. Were you in the employ of anyone else but the Wisconsin at that time? That is, were you at work for anyone else?

Mr. WATROUS. No; I was not, at that time.

Mr. LITTLEFIELD. The Wisconsin was entitled to your whole time, was it not?

Mr. WATROUS. Yes.

Mr. LITTLEFIELD. And you were up there for the purpose of getting news for the Wisconsin?

Mr. WATROUS. Yes.

Mr. LITTLEFIELD. That is all you were there for. Is it not true that when you interviewed Domachowski, you did it for the purpose of ascertaining whether there was anything that you would want to use as news?

Mr. WATROUS. That was the chief object.

Mr. LITTLEFIELD. It was the only object; was it not?

Mr. WATROUS. No; the chief object.

Mr. LITTLEFIELD. Well, the chief object. That was the dominating cause, we will say. As we would say in law, if you want to put it that way, it was the proximate cause?

Mr. WATROUS. I will not try to use legal terms. I am not a lawyer.

Mr. LITTLEFIELD. It would be the dominating cause. Mr. Powell and yourself and Mr. Everett all interviewed him at the same time?

Mr. WATROUS. At the same time.

Mr. LITTLEFIELD. Your paper did not use the news?

Mr. WATROUS. No.

Mr. LITTLEFIELD. And Mr. Powell's paper did not use the news?

Mr. WATROUS. No.

Mr. LITTLEFIELD. Was that because you were afraid of responsibility—that is, afraid that if you did use the news you would get into trouble—or was it because you did not take any stock in it; or was it both?

Mr. WATROUS. Are you assuming now that we did not send the news to the papers?

Mr. LITTLEFIELD. I understood you to say you did not.

Mr. WATROUS. No; I did not say that.

Mr. LITTLEFIELD. Did you send the news?

Mr. WATROUS. I telephoned it.

Mr. LITTLEFIELD. You telephoned it in to your paper, but the paper did not use it?

Mr. WATROUS. They did not use it.

Mr. LITTLEFIELD. Then, of course, you do not know why they did not use it—that is, unless you talked to them afterwards about it.

Mr. WATROUS. I can say this: It was very late in the afternoon, I believe, when the item was telephoned; and the paper went to press at that time, I believe, about half-past three—the last edition.

Mr. LITTLEFIELD. Did they use it the next day?

Mr. WATROUS. No.

Mr. LITTLEFIELD. What was Mr. Powell's paper?

Mr. WATROUS. The Milwaukee Journal.

Mr. LITTLEFIELD. Is that an evening paper or a morning paper?

Mr. WATROUS. An evening paper.

Mr. LITTLEFIELD. And a morning paper, both?

Mr. WATROUS. No.

Mr. LITTLEFIELD. You telephoned it in as you did other news?

Mr. WATROUS. No; I usually telegraphed or mailed my news.

Mr. LITTLEFIELD. I thought you said you telephoned this in.

Mr. WATROUS. I telephoned our late items. This item——

Mr. LITTLEFIELD. Did you telephone in this item?

Mr. WATROUS. I am trying to say that this particular item was telephoned in.

Mr. LITTLEFIELD. Oh, yes. Do you recollect what time of the day it was?

Mr. WATROUS. I can not give the time.

Mr. LITTLEFIELD. Did the Milwaukee Journal use it?

Mr. WATROUS. No.

Mr. LITTLEFIELD. Is the Daily News an evening paper or a morning paper?

Mr. WATROUS. An evening paper.

Mr. LITTLEFIELD. Just like yours. Does it go to press earlier?

Mr. WATROUS. I think it goes to press a little earlier.

Mr. LITTLEFIELD. It goes to press a little earlier than the Evening Wisconsin?

Mr. WATROUS. Possibly 15 minutes earlier, or something like that.

Mr. LITTLEFIELD. Did the Daily News use it?

Mr. WATROUS. As I remember it, the Daily News used it without any name.

Mr. LITTLEFIELD. But the Journal and the Wisconsin did not use it in any form?

Mr. WATROUS. No; they did not use it at all.

Mr. LITTLEFIELD. And so far as the question of time is concerned, each of them had as much time to use it as the News did—that is, so far as you know?

Mr. WATROUS. No; I do not think they did.

Mr. LITTLEFIELD. I thought you said the News went to press before the Wisconsin.

Mr. WATROUS. But you say they had as much time as the News.

Mr. LITTLEFIELD. Well, no; they did not have quite as much.

Mr. WATROUS. A great deal would depend upon the time the reporter got the news in over the telephone.

Mr. LITTLEFIELD. I judge from what Mr. Everett said the other day that he was making a pretty vigorous “scoop;” and he probably reached the telephone pretty quickly.

Mr. WATROUS. I think Winter, as usual, was about half an hour ahead of everybody else.

Mr. LITTLEFIELD. So that he got to the telephone ahead of the rest of you?

Mr. WATROUS. In all probability; yes.

Mr. LITTLEFIELD. His theory was that he got there half an hour ahead, anyway. And when you came to sprint for the telephone, you and Mr. Powell perhaps did not get there quite as quickly as Everett did?

Mr. WATROUS. I was ahead of Powell, as I remember.

Mr. LITTLEFIELD. But even so, it did not do Powell's paper any good, and did not do your paper any good. I think that is all.

TESTIMONY OF HARRY W. WOOD.

HARRY W. WOOD, being duly sworn, was examined and testified as follows:

The CHAIRMAN. Where do you reside?

Mr. WOOD. Milwaukee.

The CHAIRMAN. How long have you resided in Milwaukee?

Mr. WOOD. About 20 years. No; not that long. It has been since the latter part of '95.

The CHAIRMAN. Since the latter part of 1895?

Mr. WOOD. Yes, sir.

The CHAIRMAN. What has been your business during that time?

Mr. WOOD. Private detective work.

The CHAIRMAN. Were you ever engaged in the business of a detective before you came here?

Mr. WOOD. Yes, sir.

The CHAIRMAN. Where?

Mr. WOOD. Portland.

The CHAIRMAN. What Portland?

Mr. WOOD. Portland, Oreg.

The CHAIRMAN. Anywhere else?

Mr. WOOD. Minneapolis.

The CHAIRMAN. How long were you in Portland, Oreg.?

Mr. WOOD. I was only in Portland about a year. I was born right near there.

The CHAIRMAN. Then you were in Minneapolis how long?

Mr. WOOD. From '91 until the latter part of '95.

The CHAIRMAN. You came from Minneapolis here to Milwaukee?

Mr. WOOD. Yes, sir.

The CHAIRMAN. Did you ever follow any business other than that of a detective?

Mr. WOOD. I was in the automobile business here for almost two years.

The CHAIRMAN. Were you in that business alone, or as a member of some firm or business concern?

Mr. WOOD. Another party and myself.

The CHAIRMAN. What was his name?

Mr. WOOD. J. A. Peffer.

The CHAIRMAN. When did you resume the business of a detective?

Mr. WOOD. My first work at that?

The CHAIRMAN. I will change the question. Were you in the automobile business before 1905?

Mr. WOOD. I went in the automobile business in the latter part of 1908.

The CHAIRMAN. So that in 1909 you were in the automobile business?

Mr. WOOD. Yes, sir.

The CHAIRMAN. And were you carrying on the work of a detective at the same time?

Mr. WOOD. Part of the time; yes, sir.

The CHAIRMAN. Did you have an office?

Mr. WOOD. For the automobiles?

The CHAIRMAN. No; as a detective.

Mr. WOOD. Not at the time I was in the automobile business.

The CHAIRMAN. Where did you attend to the work of a detective during the year 1909, in February and March?

Mr. WOOD. I do not just understand that question.

The CHAIRMAN. Where did you conduct the detective business during the months of, say, January, February, and March, 1909?

Mr. WOOD. In Milwaukee.

The CHAIRMAN. I mean in what office or building.

Mr. WOOD. 464 Milwaukee Street is where we had the automobiles.

The CHAIRMAN. You united the automobile business and that of a detective, at that time, in the same office?

Mr. WOOD. Yes, sir; I did work at the detective business at the same time.

The CHAIRMAN. Who was Frank Souther?

Mr. WOOD. He was a contractor in Milwaukee.

The CHAIRMAN. What kind of contracting did he do?

Mr. WOOD. Concrete, I think.

The CHAIRMAN. Street work or housework?

Mr. WOOD. Street work.

The CHAIRMAN. Was he associated with any one?

Mr. WOOD. He was associated with some firm in the Merrill Building.

The CHAIRMAN. Had he been long engaged in that business here?

Mr. WOOD. I do not know just how long.

The CHAIRMAN. Does he live in Milwaukee now?

Mr. WOOD. Yes, sir.

The CHAIRMAN. What is his address?

Mr. WOOD. I have not his address. It is in the telephone book.

The CHAIRMAN. Did you have a conversation with Mr. M. J. Regan, familiarly called "Mac" Regan, in the presence of Mr. Frank Souther at any time during the months of January, February, or March, 1909?

Mr. WOOD. It was after that time.

The CHAIRMAN. Fix the time and the place.

Mr. WOOD. I just can not remember the month it was in. It was after the trial of Mr. Wagner at Madison.

The CHAIRMAN. After the trial of Wagner at Madison?

Mr. WOOD. Yes.

The CHAIRMAN. You do not remember just when that was?

Mr. WOOD. No; I do not.

The CHAIRMAN. How long after the trial?

Mr. WOOD. It seems to me it was a couple of months or so.

The CHAIRMAN. How did the conversation come about?

Mr. WOOD. The three of us met in an office on the fifth floor of the Merrill Building.

The CHAIRMAN. In whose office?

Mr. WOOD. Where Mr. Souther had desk room.

The CHAIRMAN. Has he an office there now?

Mr. WOOD. I think so.

The CHAIRMAN. How did you come to meet? Under what conditions?

Mr. WOOD. I was talking with Mr. Souther, and we had talked the matter over in regard to Mr. Wagner being sent to the State prison, and he made some mention to me——

The CHAIRMAN. Who did?

Mr. WOOD. Mr. Souther; that there might be a chance of finding out something that might help him; and he told me he was going to see Mr. Regan, in his office that evening, and that I should come up.

The CHAIRMAN. Mr. Regan was not present at that conversation?

Mr. WOOD. No, sir.

The CHAIRMAN. Can you come any nearer to fixing the date?

Dates are important with detectives, and as a rule they know them.

Mr. WOOD. I put this date down in some small book that I had. Yesterday morning, I think it was, I looked for it. I did not spend more than 10 or 15 minutes looking for it, but I did not find it.

The CHAIRMAN. Do you know where it is?

Mr. WOOD. It must be in my home.

The CHAIRMAN. I ask you the question, Do you know where it is?

Mr. WOOD. I can not say that I do.

The CHAIRMAN. Answer the question—yes or no.

Mr. WOOD. No, sir.

The CHAIRMAN. You do not know where it is?

Mr. WOOD. No, sir.

The CHAIRMAN. Have you known where it was during the last year?

Mr. WOOD. Not the last year; no, sir.

The CHAIRMAN. When did you last know where that book was?

Mr. WOOD. When I was carrying it in my pocket, at that time.

The CHAIRMAN. At what time?

Mr. WOOD. At the time this conversation took place in the Merrill Building.

The CHAIRMAN. When did you see it last after that time?

Mr. WOOD. It might have been a month or so after, or such a matter, that I put it away.

The CHAIRMAN. Do not say "it might have been." It might have been any time. When was it?

Mr. WOOD. I should say it was a month after.

The CHAIRMAN. You have qualified here to testify as a detective. Detectives do not talk about what might have been. They know.

You say it was a month afterwards that you made the entry in the book?

Mr. WOOD. Yes.

The CHAIRMAN. Is that the last time you saw it?

Mr. WOOD. I do not remember seeing it since.

The CHAIRMAN. If you have seen it since that time, you have forgotten the fact?

Mr. WOOD. I must have forgotten it if I have seen it; yes.

The CHAIRMAN. I shall now return to the conversation. After it had been suggested between you that an opportunity be sought to talk with Mr. Reagan, what did you do?

Mr. WOOD. I went up to Mr. Souther's office that evening.

The CHAIRMAN. Who notified Mr. Reagan to be present?

Mr. WOOD. I do not know who did, unless it was Mr. Souther. I did not, I know.

The CHAIRMAN. You went to Mr. Souther's office that evening about what time?

Mr. WOOD. If I remember, it was along about 7 o'clock, or such a matter.

The CHAIRMAN. Did you find Mr. Reagan there?

Mr. WOOD. I think Mr. Reagan came in after I had gotten there.

The CHAIRMAN. Then what was said, and who spoke?

Mr. WOOD. I think that was my first meeting with Mr. Reagan, if I remember right, and I was introduced to him, and he and Mr. Souther carried on the conversation.

The CHAIRMAN. In your presence and hearing?

Mr. WOOD. Yes, sir.

The CHAIRMAN. What was the conversation?

Mr. WOOD. It was in regard to the Stephenson matter.

The CHAIRMAN. You tell us the conversation, and we will apply it.

Mr. WOOD. Mr. Reagan made the statement to Mr. Souther that a man by the name of Shields had been to see him in Milwaukee, and had talked over the matter of keeping certain parties out of the legislature, to keep them from voting, and he gave this man's name as Shields, and said that this man had sent him a telegram from Washington.

The CHAIRMAN. Just a moment. Mr. Regan, you may move up where you can hear what this witness says. Take a chair where you can hear.

Now proceed, Mr. Wood.

Mr. WOOD. He said this man Shields had sent him a telegram from Washington.

The CHAIRMAN. Who said that?

Mr. WOOD. Mr. Reagan.

The CHAIRMAN. Mr. Regan said Mr. Shields had sent him a telegram from Washington.

Mr. WOOD. Yes.

The CHAIRMAN. Proceed.

Mr. WOOD. And that he had met Mr. Shields there, and Mr. Shields had a conversation with him in regard to Mr. Ramsey, Mr. Farrell, and Mr. Towne, and wanted to know of him if he thought they could be kept out.

The CHAIRMAN. Kept out of what?

Mr. WOOD. Kept out of the assembly room at Madison; and used the words if he thought they would "stand hitched."

The CHAIRMAN. Who used that term?

Mr. WOOD. Mr. Shields wanted to know of Mr. Regan if he thought these three men would stand hitched.

The CHAIRMAN. Was that what Mr. Regan said Mr. Shields had said to him?

Mr. WOOD. Yes.

The CHAIRMAN. Proceed.

Mr. WOOD. And that he told him that he kind of thought they would, or something to that effect; that he believed they might; and that Mr. Shields had made the remark to Mr. Regan that he had come from Washington, from Mr. Stephenson, with carte blanche to draw for any amount of money that was needed.

The CHAIRMAN. Mr. Regan told you two men present that?

Mr. WOOD. Yes.

The CHAIRMAN. Proceed.

Mr. WOOD. That he had come from Washington, from Mr. Stephenson, with carte blanche to draw for any amount that was necessary to cause this thing to be done.

The CHAIRMAN. Did he say for what purpose the money which he might draw was to be used?

Mr. WOOD. It was to keep these three men out.

The CHAIRMAN. Did he say that?

Mr. WOOD. Yes.

The CHAIRMAN. To keep them out?

Mr. WOOD. Out of the assembly, as I understood it; yes.

The CHAIRMAN. Proceed.

Mr. WOOD. He gave his opinion that he thought they would.

Mr. LITTLEFIELD. Regan gave his opinion that he thought they would?

Mr. WOOD. Yes.

The CHAIRMAN. Was anything said about Mr. Regan going to Madison?

Mr. WOOD. Yes, sir.

The CHAIRMAN. What was it?

Mr. WOOD. He told him that the arrangement would be made for him to go to Madison.

Senator POMERENE. Who told him that?

Mr. WOOD. Mr. Shields told Mr. Regan that arrangements would be made for him to come to Madison, and Mr. Regan's answer was that he could not go to Madison, because he was known too well there; that he could not do anything in that line, because the people there knew him. Mr. Shields told him that he would be kept out of sight; that he would see nobody in Madison except the parties that were to be kept out; and the understanding was, the way he put it, that he was to let him know.

The CHAIRMAN. Who was to let who know?

Mr. WOOD. Mr. Shields was to let Mr. Regan know, afterwards; that after this he received another telegram, that Mr. Shields was coming to Milwaukee.

The CHAIRMAN. Who received the telegram?

Mr. WOOD. Mr. Regan received the telegram that Mr. Shields was coming to Milwaukee. On this occasion Mr. Regan left town, and was not here when Mr. Shields came.

The CHAIRMAN. Did Mr. Regan tell you that he left town?

Mr. WOOD. Yes.

The CHAIRMAN. On that occasion?

Mr. WOOD. Yes.

The CHAIRMAN. Did he tell you why?

Mr. WOOD. He did not want to see him at all.

The CHAIRMAN. He did not want to see Mr. Shields?

Mr. WOOD. He did not want to see Mr. Shields.

The CHAIRMAN. Did Mr. Regan make this statement to you or Mr. Souther separately, or together, after that? Did he repeat it?

Mr. WOOD. He repeated it to me after that several times.

The CHAIRMAN. Where?

Mr. WOOD. At his home, 1011 State Street; at the Plankinton House; and several times on street corners.

Mr. LITTLEFIELD. Mr. Regan did?

Mr. WOOD. Yes, sir.

The CHAIRMAN. Where did Mr. Regan then live?

Mr. WOOD. The first time that I was at his house he lived on Cass Street.

Mr. LITTLEFIELD. At what number?

Mr. WOOD. I have not the number.

The CHAIRMAN. Where does he now live?

Mr. WOOD. At 1011 State Street.

Senator POMERENE. Is this gentleman sitting here the Mr. Regan that you have in mind?

Mr. WOOD. Yes; that is the Mr. Regan.

Senator POMERENE. Have you any way of fixing definitely the date of this first interview at Mr. Souther's office?

Mr. WOOD. I have not, unless I can procure this small book that I spoke about, unless Mr. Souther has it.

Senator POMERENE. How long was it after the Wagner trial?

Mr. WOOD. I should think it was, maybe, a couple of months.

Senator POMERENE. Where was your next talk with Mr. Regan?

Mr. WOOD. I think it was at the Plankinton House.

Senator POMERENE. How did you happen to meet there—by appointment or accidentally?

Mr. WOOD. Accidentally.

Senator POMERENE. Who brought up the subject?

Mr. WOOD. I do not just remember which one did approach it.

Senator POMERENE. Was there anything new said there in addition to what had been related to you at the Souther office?

Mr. WOOD. It was the same thing, as I can remember—just about on the same line.

Senator POMERENE. When next did you see him?

Mr. WOOD. I do not know just when it was, but I saw him quite often.

Senator POMERENE. When did you talk with him next about it?

Mr. WOOD. There was one time, I think, that I went to his house on Cass Street.

Senator POMERENE. What was the occasion of your going to his house?

Mr. WOOD. I went there, and he and I looked over his papers, looking for the telegram that he had received from Mr. Shields.

Senator POMERENE. Why did you go there?

Mr. WOOD. He suggested that I go with him. We talked it over and I told him I would go with him and help him look for it.

Senator POMERENE. Do I correctly understand that you had met some place on the street?

Mr. WOOD. Yes.

Senator POMERENE. And he invited you to his home?

Mr. WOOD. I had seen him down town, yes.

Senator POMERENE. And he mentioned the subject down there?

Mr. WOOD. Yes.

Senator POMERENE. You say you went to his house; did you see anyone there?

Mr. WOOD. I think I saw his wife there during that day.

Senator POMERENE. Where was this interview with Mr. Regan in the house?

Mr. WOOD. It was in the parlor, I think.

Senator POMERENE. Was Mrs. Regan there?

Mr. WOOD. No. She was not there.

Senator POMERENE. Did he look for the telegrams?

Mr. WOOD. Yes, sir.

Senator POMERENE. Did he find them?

Mr. WOOD. He did not.

Senator POMERENE. Did you notice where he looked for the telegrams?

Mr. WOOD. He looked amongst his papers and letters.

Senator POMERENE. Did he have a writing desk or something in the parlor in which such papers were kept?

Mr. WOOD. Not in the parlor. He had some kind of a desk, or a drawer, or something, where he kept all his letters, and he brought them out.

Senator POMERENE. Where was this desk?

Mr. WOOD. I do not say it was a desk. It was something that he had in the middle room, I think it was; it was not in the parlor; it was right next to the parlor.

Senator POMERENE. Were the doors open between the rooms?

Mr. WOOD. Yes.

Senator POMERENE. Did you see him in the other room looking through some files or some furniture or something of that kind?

Mr. WOOD. I went right along with him when he was taking the letters out of the envelope, looking for the telegrams.

Senator POMERENE. That was in the rear room?

Mr. WOOD. Next to the parlor, as I remember it.

Senator POMERENE. How long was he there searching for those telegrams?

Mr. WOOD. I guess I was there with him maybe 25 or 30 minutes.

Senator POMERENE. Were you inquiring into this matter for any-one?

Mr. WOOD. I first started to look into it to see what I could find in regard to seeing if I could assist Mr. Wagner in some way or find out why he was sent up there.

Senator POMERENE. You say you were trying to assist Mr. Wagner?

Mr. WOOD. I was trying to assist in finding something that might help him in some way.

Senator POMERENE. Was Mr. Regan aiding you in that?

Mr. WOOD. He was giving me this information, anyway.

Senator POMERENE. Mr. Regan had been a prosecuting witness against Mr. Wagner, had he not?

Mr. WOOD. I understand that; yes, sir.

Senator POMERENE. Had he changed his attitude toward Mr. Wagner?

Mr. WOOD. Well, he felt as though Mr. Wagner had lied in regard to him, for some reason, and he thought that if given a chance he might tell the truth in regard to Mr. Regan himself.

Senator POMERENE. Do I understand you correctly—that you are of the opinion that Mr. Regan had so changed in his feelings toward Mr. Wagner that he wanted to aid him in getting out?

Mr. WOOD. His attitude toward Mr. Wagner was that if he would tell the truth in regard to Mr. Regan himself, he would do anything he could to help him out.

Senator POMERENE. How did you expect the information that he gave you as to what occurred between him and Mr. Shields to aid Mr. Wagner?

Mr. WOOD. It might be used in bringing out other stuff if it had been investigated rightly.

Senator POMERENE. Explain to us in what way.

Mr. WOOD. It might have led up to showing that this money changed hands at some place.

Senator POMERENE. You were a friend of Mr. Wagner's, were you?

Mr. WOOD. Not exactly, no. I knew him.

Senator POMERENE. Had you been retained by anybody to look into this matter?

Mr. WOOD. No, sir; I had not.

Senator POMERENE. Were you pretty busy with your duties as a detective?

Mr. WOOD. Not overly busy; no.

Senator POMERENE. Are we to understand, then, that your sole interest in this was to get some information from Mr. Regan which might be of advantage to Mr. Wagner?

Mr. WOOD. Yes, sir.

Senator POMERENE. When was the last time you talked with Mr. Regan about this subject?

Mr. WOOD. Last week one day I talked with him.

Senator POMERENE. Did he repeat the same story?

Mr. WOOD. No; he did not repeat that.

Senator POMERENE. What was this talk between you?

Mr. WOOD. We just merely spoke about him being subpoenaed to appear as a witness.

Senator POMERENE. Was anything else said?

Mr. WOOD. Just on that one subject that we talked about.

Senator POMERENE. On what subject?

Mr. WOOD. Of his being subpoenaed.

Senator POMERENE. Was anything said as to the story he had given you with reference to the relations between himself and Shields and which he had given you theretofore?

Mr. WOOD. No; not exactly. The only remark I made leading up to that was that all he could do was to tell what he knew; and that if I was called as a witness I would certainly repeat the truth in regard to what I knew.

Senator POMERENE. What was the occasion for saying that?

Mr. WOOD. Nothing, exactly, at all. Of course, I expected to be called as a witness when he was called.

Mr. LITTLEFIELD. You say you did expect to be called?

Mr. WOOD. After he was subpoenaed; yes.

Senator POMERENE. Presumably any witness when he is called as a witness intends to tell the truth. Was there any special reason why he should indicate that he would tell the truth, or tell what he knew, or why you should say to him that you would tell the truth, or what you knew about it?

Mr. WOOD. No, sir; it was only just common talk—making the remark; that was all.

Senator POMERENE. Have you any way, now, of fixing the date of the trial and conviction of Mr. Wagner?

The CHAIRMAN. Can you give us the date, Mr. Black?

Mr. BLACK. I do not recall it now. Mr. Regan thinks it was in July, 1909.

Senator POMERENE. It was about two years ago.

The CHAIRMAN. We can easily get the record.

Mr. REGAN. It was the fore part of the summer, 1909. I think it was in June or July. I think he was sentenced in July.

The CHAIRMAN. I have it here, now. Mr. Wagner was arrested May 17, 1909, charged with perjury. I do not need to read that part of it. He was convicted July 30, 1909, sentenced on July 31, 1909, for three years, and paroled August 8.

Senator POMERENE. Assuming that the date of his conviction was July 30, 1909, how long after that was it that you had this first interview with Mr. Regan in Mr. Souther's office?

Mr. WOOD. About two months after, if I remember right.

Senator POMERENE. That would make it the latter part of September, would it?

Mr. WOOD. Yes.

Senator POMERENE. 1909?

Mr. WOOD. Yes.

Senator POMERENE. And that was the date when Mr. Souther was in his office with you and with Mr. Regan?

Mr. WOOD. If I remember the time, that was the date, yes. I have not got the date, and can not fix that positively.

Senator POMERENE. We understand you to say that if July 30 was the date of the conviction, this conference among you three gentlemen was about the latter part of September?

Mr. WOOD. I should judge about two months afterwards.

Senator POMERENE. About two months afterwards?

Mr. WOOD. That is my recollection.

Senator POMERENE. Have you talked with Mr. Souther about this?

Mr. WOOD. Yes, sir.

Senator POMERENE. When did you talk with Mr. Souther about it?

Mr. WOOD. I talked with him about it maybe three or four different times after that.

Senator POMERENE. Was Mr. Souther interested in Mr. Wagner?

Mr. WOOD. He kind of sympathized with him, in a way.

Senator POMERENE. Was he a friend?

Mr. WOOD. I do not know whether he was or not.

Senator POMERENE. Or a relative?

Mr. WOOD. No, sir; not that I know of.

Senator POMERENE. Was there anything in common between them?

Mr. WOOD. Not that I know of; no, sir. I do not know what their relations were, at all.

Senator POMERENE. Why should Mr. Souther concern himself about this matter?

Mr. WOOD. As I said before, I thought his sympathy was with Frank Wagner.

Senator POMERENE. Was he a friend of Mr. Regan's.

Mr. WOOD. I do not know how friendly they were. I presume they were friends.

Senator POMERENE. When was the last time you talked with Mr. Souther on this subject?

Mr. WOOD. I saw Mr. Souther maybe about 10 days ago.

Senator POMERENE. Did you go over this story?

Mr. WOOD. I asked him if he remembered in regard to it, and he said he did.

Senator POMERENE. Why did you go to him?

Mr. WOOD. I just wanted to see if he remembered the conversation that took place at this time.

Mr. LITTLEFIELD. Please speak a little louder, Mr. Wood, if you can do it without great personal embarrassment. I should like to hear at least a part of your testimony.

Senator POMERENE. Was it after you had received your subpœna?

Mr. WOOD. I have never been subpœnaed.

Senator POMERENE. Did you understand that this matter was coming up?

Mr. WOOD. I understood it this way: I took it for granted, through the evidence that Gov. Morris gave on the stand, that this would come up.

Senator POMERENE. I think that is all I care to ask.

Mr. LITTLEFIELD. You say you have never been subpœnaed?

Mr. WOOD. No, sir.

Mr. LITTLEFIELD. How did you happen to be here?

The CHAIRMAN. I will make that plain. I have a written statement from this witness; and it is not necessary to disclose why he is here. The fact that he is here is sufficient.

Mr. LITTLEFIELD. That is all right, then, Mr. Chairman. I did not know how that might be.

(To Mr. Wood:) As a detective, are you in the habit of keeping any records?

Mr. WOOD. For the parties that I am working for; yes, sir.

Mr. LITTLEFIELD. Do I correctly understand, then, that you do not keep any records in matters where you are not working for parties?

Mr. WOOD. I do at the time.

Mr. LITTLEFIELD. Do I correctly understand that you made a record of this conversation with Mr. Regan that took place in the presence of Mr. Souther?

Mr. WOOD. I marked down the time that the conversation took place.

Mr. LITTLEFIELD. Do I correctly understand that you made a record of that conversation?

Mr. WOOD. I did not write it out; no, sir.

Mr. LITTLEFIELD. Are you in the habit of taking notes of conversations that you have in connection with your business as a detective?

Mr. WOOD. If I am doing work for a person I will take down everything, so that I can show it to him.

Mr. LITTLEFIELD. Have you any such records?

Mr. WOOD. I do not know that I have at the present time.

Mr. LITTLEFIELD. Have you not been doing work for persons during the last 16 years?

Mr. WOOD. I have been doing all my work that way.

Mr. LITTLEFIELD. Have you not any record that you have kept during that time?

Mr. WOOD. In a general way; when I get through with a case I do not keep any more track of it at all.

Mr. LITTLEFIELD. Have you any records of any cases in which you have been engaged during the last 16 years?

Mr. WOOD. I do not think I have kept them at all.

Mr. LITTLEFIELD. You do not think you have kept any of them? What do you do? When you get through with a case do you destroy your records?

Mr. WOOD. Almost always; yes, sir.

Mr. LITTLEFIELD. So that whatever cases you have had during the last 16 years, you have no records of them, because you have destroyed them?

Mr. WOOD. That is it; yes, sir.

Mr. LITTLEFIELD. As to this particular conversation you made no record, did you?

Mr. WOOD. I did not write the statement out; no, sir.

Mr. LITTLEFIELD. Did you make any notes of the statement?

Mr. WOOD. No, sir.

Mr. LITTLEFIELD. You were not retained by anybody? That is true is it not?

Mr. WOOD. That is true, sir.

Mr. LITTLEFIELD. Have you ever made any effort to be retained by anybody in connection with the Stephenson controversy?

Mr. WOOD. Yes, sir.

Mr. LITTLEFIELD. How many times have you made an effort to be retained?

Mr. WOOD. I think three different times.

Mr. LITTLEFIELD. To whom did you make your first application to be retained in connection with the Stephenson matter?

Mr. WOOD. I was talking with Mr. Sanderson.

Mr. LITTLEFIELD. You made an application to Mr. Sanderson to be retained?

Mr. WOOD. I did not make application to him. I was talking with him in regard to the affair.

Mr. LITTLEFIELD. You have just stated that you sought three times to be retained, have you not?

Mr. WOOD. Yes, sir.

Mr. LITTLEFIELD. Is that true?

Mr. WOOD. That is true.

Mr. LITTLEFIELD. That being the case, to whom did you make your first application to be retained?

Mr. WOOD. Well, you might call it to Mr. Sanderson.

Mr. LITTLEFIELD. Is he one of the men you meant when you said you made three applications to be retained?

Mr. WOOD. Yes, sir.

Mr. LITTLEFIELD. When did you make an application to Mr. Sanderson to be retained in connection with the Stephenson matter?

Mr. WOOD. If I remember, it was something like 10 months ago.

Mr. LITTLEFIELD. You made the application, I take it?

Mr. WOOD. I was talking with him.

Mr. LITTLEFIELD. That is, you say you did?

Mr. WOOD. Yes.

Mr. LITTLEFIELD. Did he retain you?

Mr. WOOD. No, sir; he did not.

Mr. LITTLEFIELD. For whom was Mr. Sanderson at work at that time? Do you know?

The CHAIRMAN. Mr. Sanderson is in attendance.

Mr. LITTLEFIELD. Yes; I so understand.

Mr. WOOD. He is an attorney in Mr. John C. Kleist's office.

Mr. LITTLEFIELD. For whom was he at work? Do you know?

Mr. WOOD. What do you mean—in politics, or what?

Mr. LITTLEFIELD. I mean in connection with the Stephenson matter. You made an application to him to be retained as a detective in connection with the Stephenson matter. For whom did you understand Mr. Sanderson was then at work?

Mr. WOOD. I did not understand that he was at work for anyone; but he made the remark to me that he thought that it ought to be investigated and find out more in regard to it.

Mr. LITTLEFIELD. And on the strength of that you solicited him to retain you?

Mr. WOOD. I told him that I was ready to go to work.

Mr. LITTLEFIELD. Did he start you to work?

Mr. WOOD. No, sir; he did not.

Mr. LITTLEFIELD. That did not result in your getting any retainer, did it?

Mr. WOOD. No, sir.

Mr. LITTLEFIELD. Or any compensation?

Mr. WOOD. No, sir.

Mr. LITTLEFIELD. When was that? About 10 months ago, you say?

Mr. WOOD. About 10 months ago, I think; yes, sir.

Mr. LITTLEFIELD. Can you fix the month?

Mr. WOOD. No, sir; I can not, at the present time.

Mr. LITTLEFIELD. Can you fix the year?

Mr. WOOD. It was this year—about the first of this year.

Mr. LITTLEFIELD. What time this year? Can you fix the month?

Mr. WOOD. I do not know whether it was the latter part of January or in February. It was somewhere along there.

Mr. LITTLEFIELD. Where was it?

Mr. WOOD. In John C. Kleist's office.

Mr. LITTLEFIELD. As I understand it, Mr. Sanderson occupies an office with him?

Mr. WOOD. Yes, sir.

Mr. LITTLEFIELD. Is he in business with Mr. Kleist?

Mr. WOOD. I do not know what their arrangements are.

Mr. LITTLEFIELD. You do not know how that may be; but he occupies an office there?

Mr. WOOD. Yes, sir.

Mr. LITTLEFIELD. Does he still occupy an office there?

Mr. WOOD. Yes, sir.

Mr. LITTLEFIELD. Was this conversation in Mr. Sanderson's office?

Mr. WOOD. Yes, sir.

Mr. LITTLEFIELD. Who was present?

Mr. WOOD. Just he and myself.

Mr. LITTLEFIELD. Was it in a room separate from the one occupied by Mr. Kleist?

Mr. WOOD. Yes, sir.

Mr. LITTLEFIELD. To whom did you next make an application to be retained as a detective in connection with this Stephenson matter?

Mr. WOOD. I was talking with Charlie McGee.

Mr. LITTLEFIELD. Who is Charlie McGee?

Mr. WOOD. He is an attorney in the Wells Building.

Mr. LITTLEFIELD. Is he the man to whom you made the next application?

Mr. WOOD. I did not make an application to him. I was talking with him, and he told me that if I would talk to Mr. Henning that maybe Mr. Henning would put me out to investigate and find out what occurred.

The CHAIRMAN. Who is Mr. Henning?

Mr. WOOD. He is an attorney in the Wells Building.

Mr. LITTLEFIELD. You have stated that you made three applications to be retained. The first one was to Mr. Sanderson. Was the next one to Mr. Henning?

Mr. WOOD. I offered my services to him.

Mr. LITTLEFIELD. How long ago was that?

Mr. WOOD. That was two months ago.

Mr. LITTLEFIELD. Did you see Mr. Henning?

Mr. WOOD. I was talking with Mr. Henning.

Mr. LITTLEFIELD. Did you see Mr. Henning?

Mr. WOOD. I do not understand what you mean.

Mr. LITTLEFIELD. You do not know what I mean when I ask you if you saw Mr. Henning?

Mr. WOOD. I must have seen him. I was talking with him.

Mr. LITTLEFIELD. You did see him, did you not?

Mr. WOOD. Yes, sir.

Mr. LITTLEFIELD. And you were talking to him?

Mr. WOOD. Yes, sir.

Mr. LITTLEFIELD. Did you ask Mr. Henning to procure your employment as a detective in the Stephenson matter?

Mr. WOOD. I told him if there was an opening for me to go to work on the case, that I would like to investigate for them.

Mr. LITTLEFIELD. Was Mr. Henning employed in the Stephenson matter in any way?

Mr. WOOD. No, sir; he told me he was not.

Mr. LITTLEFIELD. Did you not ask Mr. Henning to recommend you to Mr. William E. Black, who sits here at my left, and who was then and known by you then to be the counsel for Senator Stephenson?

Mr. WOOD. I had seen Mr. Black before this, if I remember.

Mr. LITTLEFIELD. Had you made an application to Mr. Black to be employed by him or retained by him as a detective in the case of Senator Stephenson? You had, had you not?

Mr. WOOD. I had not talked anything at all about the interest of Mr. Stephenson as I know of.

Mr. LITTLEFIELD. Did you not know Mr. Black was the attorney for Senator Stephenson?

Mr. WOOD. I understood he was, sir.

Mr. LITTLEFIELD. You knew he was the attorney for Senator Stephenson in the investigation before the legislative committee, did you not?

Mr. WOOD. I did not know that; no, sir.

Mr. LITTLEFIELD. You knew that he was at the time that you made an application to him?

Mr. WOOD. I did not know that he was the attorney at that time.

Mr. LITTLEFIELD. Did you not tell Mr. Black that you wanted to work on his side, as a detective, in that investigation?

Mr. WOOD. Mr. Black explained to me that he——

Mr. LITTLEFIELD. No; I do not ask you what Mr. Black explained. I ask you if, after having been recommended to him by Mr. Henning, or introduced by Mr. Henning, you did not state in substance to Mr. Black that you wanted to work on his side in that investigation?

Mr. WOOD. I do not remember that one remark; no.

Mr. LITTLEFIELD. Will you say you did not so state?

Mr. WOOD. I do not remember it.

Mr. LITTLEFIELD. Was not that occurrence within the last two months?

Mr. WOOD. Yes, sir; in the last two months.

Mr. LITTLEFIELD. Did you not state to Mr. Black that your sympathies were on the Senator's side, or on Mr. Black's side?

Mr. WOOD. If the charges that had been made were false, my sympathies were that way.

Mr. LITTLEFIELD. Did you not state to Mr. Black at that time that your sympathies were on his side? Will you say you did not?

Mr. WOOD. I might have said that my sympathies would be with him if these charges were false.

Mr. LITTLEFIELD. Did you not state, in so many words, that your sympathies were with him?

Mr. WOOD. I do not remember of making that remark.

Mr. LITTLEFIELD. Did Mr. Black employ you after you made the application to him for a retainer?

Mr. WOOD. No, sir.

Mr. LITTLEFIELD. You did not get any compensation from him, did you?

Mr. WOOD. I did not, sir.

Mr. LITTLEFIELD. That is the second application. To whom did you make the third application to be retained?

Mr. WOOD. I have told you the third one. It was when I talked with Mr. Henning.

Mr. LITTLEFIELD. The Henning application? You asked Mr. Henning to retain you?

Mr. WOOD. I did not ask him to retain me; no.

Mr. LITTLEFIELD. Did you go to Mr. Henning after you saw Mr. Black?

Mr. WOOD. I think it was afterwards; yes, sir.

Mr. LITTLEFIELD. What led you to think that Mr. Henning wanted to retain somebody as a detective to investigate the Stephenson matter?

Mr. WOOD. I was told so by Mr. McGee.

Mr. LITTLEFIELD. You say Mr. McGee told you? What did he tell you about Mr. Henning?

Mr. WOOD. If I remember right, he told me that if there would be any investigating done, that perhaps Mr. Henning might be instrumental in putting me to work; something to that effect.

Mr. LITTLEFIELD. What is Mr. McGee's name? Charles McGee?

Mr. WOOD. Yes, sir.

Mr. LITTLEFIELD. He lives in Milwaukee, does he?

Mr. WOOD. Yes, sir.

Mr. LITTLEFIELD. Had Mr. Henning been employed in any capacity in the Stephenson matter, so far as you knew?

Mr. WOOD. No, sir.

Mr. LITTLEFIELD. He had not been employed either for or against the interest of Senator Stephenson?

Mr. WOOD. No, sir.

Mr. LITTLEFIELD. So on the strength of the suggestion made by Mr. McGee you offered your services to Mr. Henning, did you?

Mr. WOOD. I talked with him and told him that I would go to work.

Mr. LITTLEFIELD. So that there were three people to whom you made application for employment in connection with this investigation?

Mr. WOOD. If you would call it application, yes.

Mr. LITTLEFIELD. You call it application, do you not? You have already sworn that you made three applications to be retained. You meant what you said, did you not?

Mr. WOOD. Yes, sir.

Mr. LITTLEFIELD. You knew what I meant, too, when I spoke of "retainer," did you not?

Mr. WOOD. Yes, sir.

Mr. LITTLEFIELD. Do you, being a private detective, look upon that as particularly good form—to be running around trying to get employment in connection with an investigation? Is that your conception of proper conduct on the part of a private detective—running

around and offering his services, trying to get employment in investigating? Is that your conception of proper conduct?

Mr. WOOD. I see nothing out of the way in asking for work.

Mr. LITTLEFIELD. You think it is perfectly proper, do you, to solicit employment in that way?

Mr. WOOD. If you look at it that way, yes.

Mr. LITTLEFIELD. Fix the time and the place when you talked with Mr. Black.

Mr. WOOD. It was in Mr. Black's office.

Mr. LITTLEFIELD. In Milwaukee?

Mr. WOOD. Yes, sir.

Mr. LITTLEFIELD. In the office of Cary, Upham & Black?

Mr. WOOD. Yes, sir.

Mr. LITTLEFIELD. What was the time?

Mr. WOOD. I can not just fix the time.

Mr. LITTLEFIELD. About how long ago was it?

Mr. WOOD. Maybe two months.

Mr. LITTLEFIELD. How long after that was it that you had your talk with Mr. Henning?

Mr. WOOD. I have seen Mr. Henning in his office several times.

Mr. LITTLEFIELD. How long afterwards was it that you made the application to Mr. Henning to be retained?

Mr. WOOD. I have not got those dates at all.

Mr. LITTLEFIELD. I know you have not the dates. But how long was it after you saw Mr. Black, and he refused to retain you?

Mr. WOOD. He did not refuse to retain me.

Mr. LITTLEFIELD. Oh, he did not?

Mr. WOOD. No, sir.

Mr. LITTLEFIELD. Did he employ you?

Mr. WOOD. No, sir; he did not.

Mr. LITTLEFIELD. Did he retain you?

Mr. WOOD. He did not.

Mr. LITTLEFIELD. But he did not refuse to do so?

Mr. WOOD. He did not make any refusal; no.

Mr. LITTLEFIELD. It was still open, you think?

Mr. WOOD. Why, I did not know. I did not pay any attention to it.

Mr. LITTLEFIELD. Have you made any subsequent application to him for a retainer?

Mr. WOOD. No, sir.

Mr. LITTLEFIELD. You did not understand that you were refused, you say?

Mr. WOOD. He did not make any refusal, or did not say that he would.

Mr. LITTLEFIELD. You understood it was still open; did you?

Mr. WOOD. I did not know anything about it.

Mr. LITTLEFIELD. Did you understand that it was still open—this effort of yours to get in through Mr. Black?

Mr. WOOD. If I remember the remark he made, he said he would see about it.

Mr. LITTLEFIELD. Did you see him afterwards?

Mr. WOOD. No, sir; I did not.

Mr. LITTLEFIELD. Did you consider it still open—that there was still a prospect of getting a job?

Mr. WOOD. I did not, not hearing from him within two or three days afterwards.

Mr. LITTLEFIELD. You never made any further application to him; did you?

Mr. WOOD. No, sir.

Mr. LITTLEFIELD. You made up your mind you could not get any job there. And was it after that that you saw Henning?

Mr. WOOD. I saw Henning after that; yes, sir.

Mr. LITTLEFIELD. Before you saw Mr. Henning had you made up your mind you could not get any employment out of Mr. Black?

Mr. WOOD. No, sir; I had not made up my mind to that effect.

Mr. LITTLEFIELD. How long was it after you saw Mr. Black that you saw Mr. Henning?

Mr. WOOD. I have seen Mr. Henning about three or four times since that.

Mr. LITTLEFIELD. But I mean when you made your application to Mr. Henning to be retained?

Mr. WOOD. I do not just remember how long it was.

Mr. LITTLEFIELD. Was it one or two weeks, or can you not tell?

Mr. WOOD. I could not tell you.

Mr. LITTLEFIELD. Was not the application to Mr. Black to be retained made something like two weeks before this investigation of the subcommittee here began, according to your best recollection?

Mr. WOOD. I do not remember just when it was. It seems like it has been two months—all of that.

Mr. LITTLEFIELD. Two months ago?

Mr. WOOD. Yes.

Mr. LITTLEFIELD. That would be about two weeks before this investigation began. Are you the detective who tried to get employment, or a retainer, from Gov. Morris?

Mr. WOOD. I had never seen Gov. Morris until he came in the court room.

Mr. LITTLEFIELD. Did you ever make any application to him indirectly through other parties?

Mr. WOOD. No, sir; I never did.

Mr. LITTLEFIELD. Do you know Mr. Kittle?

Mr. WOOD. I have seen Mr. Kittle two or three times.

Mr. LITTLEFIELD. Do you know Mr. Crownhart?

Mr. WOOD. I see him once.

Mr. LITTLEFIELD. Did you ever make application to be retained to either Mr. Kittle or Mr. Crownhart?

Mr. WOOD. They came here to see me.

Mr. LITTLEFIELD. They did?

Mr. WOOD. Yes, sir.

Mr. LITTLEFIELD. They came to retain you?

Mr. WOOD. I do not know whether or not they came here purposely to see me; but they called on me while they were here.

Mr. LITTLEFIELD. Did you have a talk with them?

Mr. WOOD. I did.

Mr. LITTLEFIELD. Did you tell them the conversation you had with Mr. Regan?

Mr. WOOD. I told them in substance; yes.

Mr. LITTLEFIELD. When was that?

Mr. WOOD. I disremember. It seems like it has been six or seven months ago; something like that.

Mr. LITTLEFIELD. Did you at that time apply to them for a retainer?

Mr. WOOD. Not for a retainer; no.

Mr. LITTLEFIELD. Did you ask any employment of them?

Senator POMERENE. That is, Crownhart and Kittle?

Mr. LITTLEFIELD. Yes. Did you see Crownhart and Kittle together?

Mr. WOOD. I did; yes, sir.

Mr. LITTLEFIELD. Here in Milwaukee?

Mr. WOOD. Yes, sir.

Mr. LITTLEFIELD. Where?

Mr. WOOD. In John C. Kleist's office.

Mr. LITTLEFIELD. Mr. Kleist's office? That is, Mr. Sanderson's office?

Mr. WOOD. Yes, sir.

Mr. LITTLEFIELD. Was anybody present at that conversation besides yourself, Mr. Crownhart, and Mr. Kittle?

Mr. WOOD. No, sir.

Mr. LITTLEFIELD. Where was Mr. Sanderson at that time?

Mr. WOOD. He was not in.

Mr. LITTLEFIELD. Where was Mr. Kleist?

Mr. WOOD. Mr. Kleist came in just when we had finished our conversation.

Mr. LITTLEFIELD. Were you making Mr. Sanderson's office a headquarters?

Mr. WOOD. No, sir.

Mr. LITTLEFIELD. Do I correctly understand you to say that you did not make any application to Crownhart and Kittle to be retained?

Mr. WOOD. In the course of our conversation——

Mr. LITTLEFIELD. First, did you or did you not make any application to Kittle and Crownhart on that occasion to be retained?

Mr. WOOD. In my explanation to them in regard to it I told them I thought this ought to be investigated.

Mr. LITTLEFIELD. Did you offer your services to investigate it?

Mr. WOOD. They wanted to know of me what I would charge.

Mr. LITTLEFIELD. What did you tell them?

Mr. WOOD. I told them I would charge them \$10 a day.

Mr. LITTLEFIELD. Did they employ you?

Mr. WOOD. No, sir; they did not.

Mr. LITTLEFIELD. So that that application for retainer did not materialize?

Mr. WOOD. No, sir.

Mr. LITTLEFIELD. In the meanwhile you told them the story that you have stated here on the witness stand?

Mr. WOOD. Yes, sir.

Mr. LITTLEFIELD. So that that makes four applications to be retained in connection with this matter, does it not?

Mr. WOOD. I did not consider that an application at all.

Mr. LITTLEFIELD. You did not? You offered your services and discussed the price, and they refused to employ the services? That is right, is it not?

Mr. WOOD. That is right—they did not refuse. They did not accept.

Mr. LITTLEFIELD. You knew that they represented the element that was in opposition to Senator Stephenson, did you not?

Mr. WOOD. I understood so.

Mr. LITTLEFIELD. So that you have offered your services to both sides of this controversy, have you not?

Mr. WOOD. Yes, sir.

Mr. LITTLEFIELD. You first offered your services to the people who were opposing Senator Stephenson, and tried to get a job from them at \$10 a day. That is right, is it not?

Mr. WOOD. That is what I offered to charge them.

Mr. LITTLEFIELD. Yes; that is what you offered your services for. Failing to get employment from them, you later took it up with Mr. Black, the attorney for Senator Stephenson, and tried to get employment from him, on the other side. That is right, is it not?

Mr. WOOD. That would be right; yes, sir.

Mr. LITTLEFIELD. And you did not succeed in getting employment from either of them?

Mr. WOOD. No, sir.

Mr. LITTLEFIELD. The first time you have had a chance to communicate this information publicly was when you sat here on the stand?

Mr. WOOD. Yes, sir.

Mr. LITTLEFIELD. To whom did you first narrate the conversation that you say you had with Mr. Regan in the presence of Mr. Souther?

Mr. WOOD. To Mr. Sanderson, I think.

Mr. LITTLEFIELD. When did you tell it to Mr. Sanderson?

Mr. WOOD. Something like 10 months ago, I guess.

Mr. LITTLEFIELD. How long after you had the alleged conversation with Mr. Regan and Mr. Souther did you tell it to Mr. Sanderson?

Mr. WOOD. It must have been a year after; something like that.

Mr. LITTLEFIELD. Had you not told it to anybody during that period?

Mr. WOOD. I do not remember of telling it to anyone at all.

Mr. LITTLEFIELD. How did Mr. Crownhart and Mr. Kittle happen to come down to Milwaukee to have this conversation with you? Do you know?

Mr. WOOD. No, sir; I do not.

Mr. LITTLEFIELD. Did you suggest their coming down?

Mr. WOOD. Not to my knowledge; no, sir.

Mr. LITTLEFIELD. Did Mr. Sanderson suggest their coming down?

Mr. WOOD. I can not say that he did.

Mr. LITTLEFIELD. Do you know whether he did or not?

Mr. WOOD. No, sir.

Mr. LITTLEFIELD. When they first came here on that trip, where did they find you? Where were you?

Mr. WOOD. Mr. Crownhart and Mr. Kittle telephoned to my house and left an appointment for me to come on the seventh floor of the Majestic Building—I mean the——

Mr. LITTLEFIELD. The Merrill Building?

Mr. WOOD. No.

Mr. LITTLEFIELD. Was it at Sanderson's office?

Mr. WOOD. Yes, sir.

Mr. LITTLEFIELD. Then Mr. Crownhart and Mr. Kittle made an appointment with you over the telephone to meet them at Mr. Sanderson's office?

Mr. WOOD. No, sir. I said on the seventh floor. Mr. Sanderson is on the sixth.

Mr. LITTLEFIELD. At whose office on the seventh floor?

Mr. WOOD. I disremember the name.

Mr. LITTLEFIELD. Did you meet them at that office on the seventh floor?

Mr. WOOD. I did.

Mr. LITTLEFIELD. You do not remember the name of the office?

Mr. WOOD. No, sir; I do not.

Mr. LITTLEFIELD. You do not know who occupied it?

Mr. WOOD. Not at the present time. I could find that out for you.

Mr. LITTLEFIELD. But you do not remember now who occupied that office?

Mr. WOOD. I did not pay any attention at all.

Mr. LITTLEFIELD. Although they told you over the telephone the name of the man who occupied the office, it made so little impression on your mind that you can not now remember it? Is that right?

Mr. WOOD. They left word over the telephone at my house to come to a certain number in that building.

Mr. LITTLEFIELD. You say they left word. Were you at home?

Mr. WOOD. I was not.

Mr. LITTLEFIELD. With whom was the word left?

Mr. WOOD. My wife.

Mr. LITTLEFIELD. And when you got back you learned of this suggested appointment?

Mr. WOOD. Yes, sir.

Mr. LITTLEFIELD. Do you have any idea how Mr. Crownhart and Mr. Kittle learned of any information that you were in possession of, so as to desire to make an appointment with you?

Mr. WOOD. I do not.

Mr. LITTLEFIELD. You have not the slightest idea about that?

Mr. WOOD. I know nothing of it.

Mr. LITTLEFIELD. You say you did not, for a period of a year, narrate this conversation to anybody but Sanderson?

Mr. WOOD. I do not remember it; no, sir.

Mr. LITTLEFIELD. To whom did you afterwards narrate it, after having first told it to Mr. Sanderson?

Mr. WOOD. As I remember, Mr. Kittle.

Mr. LITTLEFIELD. And was that the time when they met you as the result of this appointment by telephone?

Mr. WOOD. This is the time I saw Mr. Kittle. I saw Mr. Kittle first.

Mr. LITTLEFIELD. Mr. Crownhart was not there first?

Mr. WOOD. No, sir.

Mr. LITTLEFIELD. Where did you see Mr. Kittle first?

Mr. WOOD. In Mr. Sanderson's office.

Mr. LITTLEFIELD. Did you afterwards see Mr. Crownhart there?

Mr. WOOD. I afterwards met Mr. Kittle and Mr. Crownhart together; yes, sir.

Mr. LITTLEFIELD. So that you had a conversation with Kittle before you met Kittle and Crownhart together at this number on the seventh floor that you do not remember?

Mr. WOOD. Yes, sir.

Mr. LITTLEFIELD. How long before you met Kittle and Crownhart did you meet Kittle alone in Mr. Sanderson's office?

Mr. WOOD. Maybe a month or such a matter.

Mr. LITTLEFIELD. How did you come to meet Kittle in Mr. Sanderson's office at that time?

Mr. WOOD. I came in when he was in there. Mr. Sanderson introduced me to him. I did not know he was there.

Mr. LITTLEFIELD. That was an accidental meeting, then?

Mr. WOOD. Yes.

Mr. LITTLEFIELD. Mr. Kittle happened to be in Mr. Sanderson's office?

Mr. WOOD. Yes, sir.

Mr. LITTLEFIELD. At that time did you discuss this matter with him?

Mr. WOOD. I did.

Mr. LITTLEFIELD. Did you know whether Sanderson had told him about it before you came in?

Mr. WOOD. I do not know whether he had explained it to him or not.

Mr. LITTLEFIELD. Up to that time had you narrated, to anybody except Sanderson and Kittle, the conversation which you say took place with Mr. Regan in the presence of Mr. Souther?

Mr. WOOD. I do not remember of anyone at all.

Mr. LITTLEFIELD. Did you narrate it to anyone, other than Sanderson and Kittle, until you told the conversation to Crownhart and Kittle about a month later?

Mr. WOOD. Not that I remember of; no, sir.

Mr. LITTLEFIELD. Have you narrated that conversation since you talked with Crownhart and Kittle? Have you told it to anybody?

Mr. WOOD. It seems to me that I told a part of it, in substance, to Mr. McGee. I think I did.

Mr. LITTLEFIELD. To anyone else?

Mr. WOOD. I do not remember of it.

Mr. LITTLEFIELD. You do not recollect anyone else, so that so far as you are concerned this conversation has remained practically a secret communication from that time until now, with the exception of the two or three men that you speak of?

Mr. WOOD. Yes, sir.

Mr. LITTLEFIELD. I am right about that?

Mr. WOOD. Yes, sir.

Mr. LITTLEFIELD. You say you looked about 10 minutes for this book upon which you claim you made a note of the date when you first had the conversation with Regan? That was what you said, was it not?

Mr. WOOD. Yes, sir; about that.

Mr. LITTLEFIELD. Where did you look?

Mr. WOOD. I looked in my writing desk at home.

Mr. LITTLEFIELD. Where else?

Mr. WOOD. In a bureau drawer where I had some small books, papers.

Mr. LITTLEFIELD. Have you an office?

Mr. WOOD. No, sir.

Mr. LITTLEFIELD. Have you ever had an office?

Mr. WOOD. Yes, sir.

Mr. LITTLEFIELD. How long since you have had an office?

Mr. WOOD. About two years and a half.

Mr. LITTLEFIELD. Where was your office when you had one about two years and a half ago?

Mr. WOOD. In the Merrill Building.

Mr. LITTLEFIELD. What is your present address?

Mr. WOOD. 679 Thirty-third Street.

Mr. LITTLEFIELD. Where was your office two and a half years ago?

Mr. WOOD. 708 Merrill Building.

Mr. LITTLEFIELD. Did you abandon the office about two years ago?

Mr. WOOD. When I went into the automobile business; yes, sir.

Mr. LITTLEFIELD. Prior to that time had you had a regular office—prior to going into the automobile business?

Mr. WOOD. I think for about 11 months, if I remember.

Mr. LITTLEFIELD. For about 11 months only?

Mr. WOOD. Yes, sir.

Mr. LITTLEFIELD. How about the time prior to that period of 11 months? Had you not had any office?

Mr. WOOD. I had used my home as my office.

Mr. LITTLEFIELD. Your house where you lived?

Mr. WOOD. Yes.

Mr. LITTLEFIELD. Are you a man of family?

Mr. WOOD. I have a wife.

Mr. LITTLEFIELD. Have you any children?

Mr. WOOD. No, sir.

Mr. LITTLEFIELD. So that prior to that period of 11 months the only office you had was whatever office you had in your house?

Mr. WOOD. Yes, sir.

Mr. LITTLEFIELD. You have not any office now where you have any records or papers or files?

Mr. WOOD. No, sir; just my home.

Mr. LITTLEFIELD. Did you exhaust all sources of information when for 10 minutes you made a search of this bureau?

Mr. WOOD. I wanted to get down town for a certain matter, and have not looked any longer.

Mr. LITTLEFIELD. It has not occurred to you to look since?

Mr. WOOD. No.

Mr. LITTLEFIELD. You are not prepared to say now that you could not find it?

Mr. WOOD. I can not say that I can not find it. I might be able to.

Mr. LITTLEFIELD. When was it that you made this search? About a week ago?

Mr. WOOD. No; just a few days ago.

Mr. LITTLEFIELD. That is, when you expected to testify?

Mr. WOOD. When I expected to be called; yes, sir.

Mr. LITTLEFIELD. You expected to be called a few days ago, and you knew that this date would be important?

Mr. WOOD. Certainly.

Mr. LITTLEFIELD. For that reason you made this partial search?

Mr. WOOD. Yes, sir.

Mr. LITTLEFIELD. Why did you not complete the search?

Mr. WOOD. I did not have time at that time, and I have not taken it up since.

Mr. LITTLEFIELD. Have you been busy ever since?

Mr. WOOD. No.

Mr. LITTLEFIELD. What were you doing yesterday?

Mr. WOOD. I was here in the court room.

Mr. LITTLEFIELD. Just hanging around this hearing?

Mr. WOOD. I was listening to the evidence; yes.

Mr. LITTLEFIELD. What were you doing before 10 o'clock in the morning?

Mr. WOOD. I was down to Mr. Kleist's office.

Mr. LITTLEFIELD. What were you doing there?

Mr. WOOD. I came down to look around.

Mr. LITTLEFIELD. Did you have anything to do?

Mr. WOOD. Not particularly; no.

Mr. LITTLEFIELD. You had plenty of time to search for the book; did you not?

Mr. WOOD. I did not search for it.

Mr. LITTLEFIELD. I know you did not. What were you doing after half past 4 yesterday afternoon? You had not completed your search, you say. Now, I want to know why you did not complete it. What were you doing after half past 4 yesterday afternoon? Anything?

Mr. WOOD. Nothing in particular; no.

Mr. LITTLEFIELD. What were you doing last evening? Anything?

Mr. WOOD. Nothing in particular.

Mr. LITTLEFIELD. What were you doing on Sunday? Anything?

Mr. WOOD. On Sunday I went down town with my wife.

Mr. LITTLEFIELD. Did you have plenty of time to look for this book?

Mr. WOOD. I did; yes, sir.

Mr. LITTLEFIELD. Did you look for it?

Mr. WOOD. I did not.

Mr. LITTLEFIELD. You evidently have not had great anxiety to get this book; have you?

Mr. WOOD. I have; yes, sir.

Mr. LITTLEFIELD. You have been quite anxious to get it; but you say 3 or 4 days ago you looked 10 minutes and did not complete your search, and you have had any quantity of time since and it has never occurred to you to finish the search for it. That is right, is it not?

Mr. WOOD. I have not finished it; no, sir.

Mr. LITTLEFIELD. That is the way you leave it, is it not?

Mr. WOOD. Yes, sir.

Mr. LITTLEFIELD. You are very anxious to find it; you searched 10 minutes and did not complete the search; and you have had plenty of time since, and have made no effort to find it?

Mr. WOOD. I think I can find it.

Mr. LITTLEFIELD. You do think you can find it?

Mr. WOOD. Yes, sir.

Mr. LITTLEFIELD. Will you not be kind enough to pick it up and bring it in here?

Mr. WOOD. I will look for it.

Mr. LITTLEFIELD. Why did you not do it last night, when you knew you were going to testify?

Mr. WOOD. I did not know I was going to testify.

Mr. LITTLEFIELD. You did not know you were going to testify to-day?

Mr. WOOD. No, sir.

Mr. LITTLEFIELD. You knew you might be called any minute, did you not?

Mr. WOOD. I did not know. I had not been subpœnaed or anything else.

Mr. LITTLEFIELD. Did you not know that you might be called at any moment to testify?

Mr. WOOD. I did not know anything about that.

Mr. LITTLEFIELD. You were here all day yesterday?

Mr. WOOD. Yes, sir.

Mr. LITTLEFIELD. What for?

Mr. WOOD. To listen to the testimony, as I said before.

Mr. LITTLEFIELD. Just to hear what was said?

Mr. WOOD. Yes.

Mr. LITTLEFIELD. Not at all with reference to being called yourself?

Mr. WOOD. No, sir; I did not think of it.

Mr. LITTLEFIELD. And you were also here this morning to listen to the testimony?

Mr. WOOD. Yes, sir.

Mr. LITTLEFIELD. Without any expectation of being called yourself?

Mr. WOOD. I did not have any idea of being called.

Mr. LITTLEFIELD. Did you expect to be called at all?

Mr. WOOD. I thought I would be called; yes.

Mr. LITTLEFIELD. You did think so?

Mr. WOOD. Yes, sir.

Mr. LITTLEFIELD. What made you think so?

Mr. WOOD. Well, in the connection of Mr. Sanderson's name being called.

Mr. LITTLEFIELD. You thought that when Sanderson got on, Sanderson might allow to leak out the fact that he had talked with you?

Mr. WOOD. I knew that Mr. Sanderson would tell the truth when he got on the stand, and tell who this party was that they alluded to.

Mr. LITTLEFIELD. You did think so?

Mr. WOOD. Yes.

Mr. LITTLEFIELD. Sanderson was sworn yesterday, was he not?

Mr. WOOD. He was not sworn as I know of. He was in the court room.

Mr. LITTLEFIELD. He was not sworn? Of course he was.

The CHAIRMAN. I will relieve counsel's mind somewhat by saying that I requested these men to remain in attendance.

Mr. LITTLEFIELD. You say that you had your first talk with Mr. Regan in Mr. Souther's office on a date which you put down in your book, which you say you think you can find?

Mr. WOOD. I think I can; yes, sir.

Mr. LITTLEFIELD. That is right, is it not?

Mr. WOOD. Yes, sir.

Mr. LITTLEFIELD. Do I understand you will make a search for that book?

Mr. WOOD. Yes, sir.

Mr. LITTLEFIELD. And if you find it, you will bring it here?

Mr. WOOD. I will.

Mr. LITTLEFIELD. When did Mr. Regan next repeat this conversation to you?

Mr. WOOD. The next time I seen him.

Mr. LITTLEFIELD. When was the next time you "seen" him?

Mr. WOOD. Just a few days afterwards.

Mr. LITTLEFIELD. How long afterwards?

Mr. WOOD. Maybe four or five days; some such matter.

Mr. LITTLEFIELD. Where was it?

Mr. WOOD. If I remember right, the next time was in the Plankinton House.

Mr. LITTLEFIELD. Where in the Plankinton House?

Mr. WOOD. In the lobby, I think.

Mr. LITTLEFIELD. Was anybody present besides yourself and Mr. Regan?

Mr. WOOD. No, sir.

Mr. LITTLEFIELD. How did that conversation in the Plankinton House begin?

Mr. WOOD. I do not just remember which one broached the subject.

Mr. LITTLEFIELD. You do not know who started the conversation?

Mr. WOOD. No, sir.

Mr. LITTLEFIELD. You do not remember the first thing that was said?

Mr. WOOD. No, sir.

Mr. LITTLEFIELD. You do remember, I take it, that Mr. Regan proceeded to repeat, in substance, what he had already said to you in Souther's presence?

Mr. WOOD. Yes, sir.

Mr. LITTLEFIELD. That is the second time. When was it? Give the date as nearly as you can. You say it was three or four days after you had the conversation in Souther's office. Now, fix the time as nearly as you can. When you get your book you can tell?

Mr. WOOD. I have not got the time. I will have when I get the book; yes, sir.

Mr. LITTLEFIELD. I want you to give it as nearly as you can.

Mr. WOOD. I have not got the date that I met him in Mr. Souther's office.

Mr. LITTLEFIELD. It was some time about two months after the conviction of Mr. Wagner; was it not?

Mr. WOOD. As I remember, it was.

Mr. LITTLEFIELD. Were you at any time ordered out of the Plankinton House by the management?

Mr. WOOD. Yes, sir; I was.

Mr. LITTLEFIELD. When was that?

Mr. WOOD. Not by the management, but by a so-called private detective that was in there.

Mr. LITTLEFIELD. You were ordered out by somebody?

Mr. WOOD. I was not ordered out. I was asked to stay out, for a certain reason.

Mr. LITTLEFIELD. You were asked to stay out?

Mr. WOOD. Yes, sir.

Mr. LITTLEFIELD. When was that? Was it before or after Mr. Regan repeated this conversation to you?

Mr. WOOD. Afterwards.

Mr. LITTLEFIELD. About how long afterwards?

Mr. WOOD. I do not remember just how long.

Mr. LITTLEFIELD. It was within a very short time, was it?

Mr. WOOD. No. It was quite a little while afterwards.

Mr. LITTLEFIELD. When did Mr. Regan next repeat this conversation to you?

Mr. WOOD. The next time I seen him, whenever that was.

Mr. LITTLEFIELD. Where did you see him the next time?

Mr. WOOD. I can not tell exactly whether it was the next time I see him on the street, or when it was.

Mr. LITTLEFIELD. Refresh your recollection and tell the subcommittee when and where it was that Mr. Regan repeated for the third time this conversation, which you say occurred in the presence of Mr. Souther.

Mr. WOOD. I think it was on Second Street and Grand Avenue.

Mr. LITTLEFIELD. At the corner of Second Street and Grand Avenue?

Mr. WOOD. Yes, sir.

Mr. LITTLEFIELD. In Milwaukee?

Mr. WOOD. Yes, sir.

Mr. LITTLEFIELD. What occurred then?

Mr. WOOD. This matter was talked over and about the same thing was repeated.

Mr. LITTLEFIELD. Was it a casual meeting; that is, you happened to meet him or intercept him on the street?

Mr. WOOD. It was an accidental meeting.

Mr. LITTLEFIELD. It was not by appointment?

Mr. WOOD. No, sir.

Mr. LITTLEFIELD. You simply met him as he was walking on the street?

Mr. WOOD. Yes, sir.

Mr. LITTLEFIELD. And did he at once begin to repeat this same conversation?

Mr. WOOD. Not at once; no.

Mr. LITTLEFIELD. What started that conversation?

Mr. WOOD. I can not remember just what started it, but the talk went on, something in regard to——

Mr. LITTLEFIELD. Did you begin the conversation?

Mr. WOOD. I can not remember which one started the conversation.

Mr. LITTLEFIELD. Did he begin the conversation?

Mr. WOOD. I could not tell you.

Mr. LITTLEFIELD. Did you make a note of the second conversation in this book of yours or in any other book?

Mr. WOOD. I did not.

Mr. LITTLEFIELD. Did you make a note of the third conversation?

Mr. WOOD. No, sir.

Mr. LITTLEFIELD. Did you make a note of the date when the second conversation took place?

Mr. WOOD. I did not, nor any other conversation we had afterwards.

Mr. LITTLEFIELD. You did not?

Mr. WOOD. No, sir.

Mr. LITTLEFIELD. The third time, did he repeat it substantially as it was given by him in the presence of Souther?

Mr. WOOD. Yes, sir.

Mr. LITTLEFIELD. Was anybody present at that conversation on the street?

Mr. WOOD. No, sir; there was not.

Mr. LITTLEFIELD. When was the fourth time that he repeated this conversation?

Mr. WOOD. I can not remember just when it was.

Mr. LITTLEFIELD. When and where was it? Was it the next time you saw him?

Mr. WOOD. It seems to me like there was something said in regard to it every time that he met me.

Mr. LITTLEFIELD. Did he repeat the conversation every time you met him?

Mr. WOOD. No, not exactly; no.

Mr. LITTLEFIELD. You said that at one time you met him at his home on Cass Street?

Mr. WOOD. Yes, sir.

Mr. LITTLEFIELD. Do you remember the number on Cass Street?

Mr. WOOD. I do not.

Mr. LITTLEFIELD. Was that the time when he was looking for the telegrams?

Mr. WOOD. Yes, sir.

Mr. LITTLEFIELD. When you met him at his home on Cass Street, did he repeat this conversation?

Mr. WOOD. In substance; yes.

Mr. LITTLEFIELD. Who led up to that?

Mr. WOOD. I can not remember who did.

Mr. LITTLEFIELD. What I should like to have you state to the sub-committee, if you are able to, is how it happens that at least four times, and perhaps more, Mr. Regan proceeded to repeat this conversation. Was it at your suggestion or was he volunteering it?

Mr. WOOD. Part of it might have been by my questioning him in regard to it; yes.

Mr. LITTLEFIELD. What is your recollection? Did you on these different occasions question him about this conversation?

Mr. WOOD. There were some times that I did; yes.

Mr. LITTLEFIELD. And sometimes he would volunteer?

Mr. WOOD. Sometimes he would start in and talk it himself.

Mr. LITTLEFIELD. When he started in to talk about it, he would go right along and repeat the conversation?

Mr. WOOD. Not all the way through; no, sir; parts of it.

Mr. LITTLEFIELD. When was the next time after the time at the house on Cass Street?

Mr. WOOD. Some place down town; I disremember.

Mr. LITTLEFIELD. You do not remember the date when you met him at his house on Cass Street?

Mr. WOOD. No, sir.

Mr. LITTLEFIELD. Was it at his house on Cass Street that you saw his wife?

Mr. WOOD. Yes; I saw her there. I saw her pass through.

Mr. LITTLEFIELD. Whereabouts on the street?

Mr. WOOD. What do you mean—on the street?

Mr. LITTLEFIELD. Have you any idea of its location?

Mr. WOOD. I could find it for you.

Mr. LITTLEFIELD. I wish you would look that up and give it to us.

Mr. WOOD. Yes, sir.

Mr. LITTLEFIELD. You are sure it was on Cass Street, I take it?

Mr. WOOD. I think it was; yes, sir.

Mr. LITTLEFIELD. Are you as certain of any of these statements that you have made here as you are of the alleged fact that you called upon him at his residence on Cass Street?

Mr. WOOD. My memory tells me that he lived on Cass Street.

Mr. LITTLEFIELD. But you do not remember the number?

Mr. WOOD. No, sir.

Mr. LITTLEFIELD. But you think you can go right to Cass Street and pick out the house?

Mr. WOOD. I can go right to his house, whether it is on Cass Street or any other street.

Mr. LITTLEFIELD. Do you say it was on Cass Street or that it was not?

Mr. WOOD. My memory tells me it was on Cass Street. I may have got it mixed with another house, but I will take you to it.

Mr. LITTLEFIELD. How do you fix it as Cass Street?

Mr. WOOD. I just remember it was Cass.

Mr. LITTLEFIELD. Was it during the conversation on Cass Street that you saw his wife?

Mr. WOOD. I saw her pass through one of the rooms, I think.

Mr. LITTLEFIELD. Was it in his house on Cass Street that you saw his wife?

Mr. WOOD. Wherever it was. He lived on the east side, whatever street it was on.

Mr. LITTLEFIELD. That is where you saw his wife?

Mr. WOOD. I saw her pass through; yes.

Mr. LITTLEFIELD. You were not introduced to her?

Mr. WOOD. Not at that time.

Mr. LITTLEFIELD. Did she speak as she went through?

Mr. WOOD. She said something in regard to some of his letters, or something.

Mr. LITTLEFIELD. Did he inquire of her as to where these telegrams were?

Mr. WOOD. I don't remember that he did.

Mr. LITTLEFIELD. What did he say about letters when he spoke to her?

Mr. WOOD. I don't remember what it was he said to her.

Mr. LITTLEFIELD. You say he said something about letters. What was it he said?

Mr. WOOD. I don't remember what it was he said to her.

Mr. LITTLEFIELD. On what subject did he address her?

Mr. WOOD. In regard to some of his papers, or something.

Mr. LITTLEFIELD. What did she say?

Mr. WOOD. I don't know what she said.

Mr. LITTLEFIELD. Did the conversation with her occur in the parlor?

Mr. WOOD. It was not a conversation. He merely——

Mr. LITTLEFIELD. Did the inquiry or the remark he made to her occur in the parlor?

Mr. WOOD. She passed through the room where he was.

Mr. LITTLEFIELD. Was that what you understood to be the parlor?

Mr. WOOD. The room next to the parlor.

Mr. LITTLEFIELD. Was that the room in which he had whatever there was there, in which he had his papers?

Mr. WOOD. Yes.

Mr. LITTLEFIELD. I understand you to say it was not a desk?

Mr. WOOD. I don't remember that it was.

Mr. LITTLEFIELD. What was it?

Mr. WOOD. I think he got some letters and papers out of drawers around there, wherever he got them from.

Mr. LITTLEFIELD. Out of what sort of a piece of furniture?

Mr. WOOD. I don't remember. I didn't see where he got them.

Mr. LITTLEFIELD. What was it that had drawers in it? Do you not remember?

Mr. WOOD. No, sir.

Mr. LITTLEFIELD. Was there more than one drawer?

Mr. WOOD. He brought them out there in a bundle and carried them in his hand.

Mr. LITTLEFIELD. You say you saw him looking through drawers or a drawer?

Mr. WOOD. If I remember, there was some drawers of some kind.

Mr. LITTLEFIELD. Was there more than one drawer?

Mr. WOOD. I don't know.

Mr. LITTLEFIELD. Do you remember what sort of a piece of furniture it was?

Mr. WOOD. No, sir.

Mr. LITTLEFIELD. Was it a hatrack or a bureau?

Mr. WOOD. I do not think it was a hatrack.

Mr. LITTLEFIELD. Or a chiffonier?

Mr. WOOD. It was not a hatrack. I know that much.

Mr. LITTLEFIELD. What sort of a piece of furniture was it?

Mr. WOOD. I could not tell you just what it was.

Mr. LITTLEFIELD. Was there more than one drawer in it?

Mr. WOOD. I did not pay any attention to it at all.

Mr. LITTLEFIELD. What did he do? Did he take the papers out and bring them into the room where you were?

Mr. WOOD. He brought them over onto the table.

Mr. LITTLEFIELD. Were you in this room where he was looking through the drawers?

Mr. WOOD. He stepped away from me to get these papers, and wherever he got them out of I don't know.

Mr. LITTLEFIELD. Did he not get them out of some drawers?

Mr. WOOD. I think so.

Mr. LITTLEFIELD. What are you prepared to swear about it? Did he or did he not take those papers out of a drawer?

Mr. WOOD. My impression is that he did.

Mr. LITTLEFIELD. Is your recollection sufficiently definite that you are prepared to swear that he took those papers, or some papers, out of a drawer?

Mr. WOOD. I could not swear it was a drawer.

Mr. LITTLEFIELD. Where did he get them?

Mr. WOOD. Some place in the corner of the room.

Mr. LITTLEFIELD. What sort of a place? Did you see the place from which they came?

Mr. WOOD. I did not pay any attention to it.

Mr. LITTLEFIELD. Did you see the place from which they came?

Mr. WOOD. I must have. I seen the whole room.

Mr. LITTLEFIELD. Did you see the place from which these letters came?

Mr. WOOD. I don't remember that I did.

Mr. LITTLEFIELD. If you did not see the place from which these letters came, what did you mean by stating, within a few minutes, that he took them out of a drawer?

Mr. WOOD. I said I thought he had got them out of a drawer.

Mr. LITTLEFIELD. Is that what you said?

Mr. WOOD. Yes.

Mr. LITTLEFIELD. I ask you again, if you did not see the place from which those letters came, what did you mean by stating that he took them out of a drawer?

Mr. WOOD. My recollection is that he went to one side of the room and moved something and brought these papers out. Whatever he took them out of, I don't know. I didn't pay any attention.

Mr. LITTLEFIELD. When you stated he took them out of a drawer, you were mistaken?

Mr. WOOD. I said I thought perhaps he had taken them out of a drawer. That is my opinion now.

Mr. LITTLEFIELD. That is what you say you said. If you said definitely, without qualification, that he took the papers out of a drawer, as to that statement you were mistaken?

Mr. WOOD. I don't think I stated positively he did.

Mr. LITTLEFIELD. If you made that statement, you were mistaken?

Mr. WOOD. I can not say I was mistaken, because I don't know.

Mr. LITTLEFIELD. But the truth about it is, you have not any recollection of a drawer at all?

Mr. WOOD. I don't remember how things were arranged.

Mr. LITTLEFIELD. Is it not the truth that you have not any recollection about a drawer?

Mr. WOOD. No, I can not remember.

Mr. LITTLEFIELD. And you do not undertake to now swear where he did get the papers. That is right; is it not?

Mr. WOOD. That is right.

Mr. LITTLEFIELD. What were the papers that he got?

Mr. WOOD. Letters and all kinds of papers he got.

Mr. LITTLEFIELD. Were the letters inclosed in envelopes?

Mr. WOOD. Yes.

Mr. LITTLEFIELD. Did he take the letters out of the envelopes?

Mr. WOOD. He did.

Mr. LITTLEFIELD. In your presence?

Mr. WOOD. Yes, sir.

Mr. LITTLEFIELD. Were there any telegrams in the papers?

Mr. WOOD. It seems to me that he had one or two telegrams laying there from other parties, if I remember right.

Mr. LITTLEFIELD. Is it your recollection that they were telegrams?

Mr. WOOD. Yes.

Mr. LITTLEFIELD. After this conversation was repeated in the Cass Street house, when did you next hear Mr. Regan repeat it?

Mr. WOOD. Somewhere down town.

Mr. LITTLEFIELD. Whereabouts?

Mr. WOOD. I disremember the location.

Mr. LITTLEFIELD. On the street or in an office?

Mr. WOOD. It must have been on the street.

Mr. LITTLEFIELD. Whereabouts?

Mr. WOOD. Somewheres along on Grand Avenue, from the Plankinton to Third Street.

Mr. LITTLEFIELD. Was anybody else present?

Mr. WOOD. No, sir.

Mr. LITTLEFIELD. Did you introduce the conversation, or did Mr. Regan?

Mr. WOOD. I don't remember.

Mr. LITTLEFIELD. Where next did he repeat the conversation, and when? This makes five times; does it not?

Mr. WOOD. Right around in the same neighborhood.

Mr. LITTLEFIELD. On the street again?

Mr. WOOD. I think so.

Mr. LITTLEFIELD. Where next, and when?

Mr. WOOD. I can't remember the dates. I have seen Mr. Regan several times.

Mr. LITTLEFIELD. Did you see him at 1011 State Street at any time?

Mr. WOOD. Yes.

Mr. LITTLEFIELD. Was he residing there?

Mr. WOOD. Yes, sir.

Mr. LITTLEFIELD. When was that?

Mr. WOOD. I disremember just the date I saw him there; something like seven or eight weeks ago.

Mr. LITTLEFIELD. Were you in the house?

Mr. WOOD. Yes, sir.

Mr. LITTLEFIELD. Was anybody present besides yourself and Mr. Regan?

Mr. WOOD. Not in the room; no, sir.

Mr. LITTLEFIELD. Was Mr. Regan there when you went there?

Mr. WOOD. Yes, sir.

Mr. LITTLEFIELD. Did you meet him by appointment?

Mr. WOOD. No, sir.

Mr. LITTLEFIELD. You simply called for the purpose of ascertaining whether he was in?

Mr. WOOD. Yes, sir.

Mr. LITTLEFIELD. Who came to the door when you called?

Mr. WOOD. I think his son came to the door.

Mr. LITTLEFIELD. Do you know his son's name?

Mr. WOOD. I do not.

Mr. LITTLEFIELD. Has he more than one son? I do not know anything about the family.

Mr. WOOD. I think I have seen two.

Mr. LITTLEFIELD. You do not know which one of the sons this was?

Mr. WOOD. No, sir; I do not.

Mr. LITTLEFIELD. Mr. Regan, how many sons have you?

Mr. REGAN. I have four.

Mr. LITTLEFIELD. Was anything said between you and this son who came to the door?

Mr. WOOD. No; I just asked him if Mr. Regan was in, and he said he was.

Mr. LITTLEFIELD. Did he invite you in?

Mr. WOOD. Yes, sir.

Mr. LITTLEFIELD. Where did you find Mr. Regan?

Mr. WOOD. In the parlor, as I remember.

Mr. LITTLEFIELD. Was anybody present in the parlor besides yourself and Mr. Regan?

Mr. WOOD. Not at any time that we talked about this.

Mr. LITTLEFIELD. Was there at any time during that visit to 1011 State Street? Was there anybody in Mr. Regan's parlor besides you and Mr. Matt. J. Regan?

Mr. WOOD. I think his wife came in the parlor once.

Mr. LITTLEFIELD. Did his wife say anything when she came in?

Mr. WOOD. She spoke something in regard to Mr. Regan. He had been sick; he had something the matter with his head.

Mr. LITTLEFIELD. Was she introduced to you?

Mr. WOOD. She was.

Mr. LITTLEFIELD. Did anybody else come in?

Mr. WOOD. His son, I think, was in the parlor one day when we were sitting there talking. We were not talking about this subject at all.

Mr. LITTLEFIELD. Was it the same son who met you at the door when you called?

Mr. WOOD. Yes, sir.

Mr. LITTLEFIELD. What was your purpose in calling at 1011 State Street on this occasion?

Mr. WOOD. I just stopped in to talk to Mr. Regan a while.

Mr. LITTLEFIELD. About what?

Mr. WOOD. Just to talk in a general way about one thing and another.

Mr. LITTLEFIELD. What was your purpose when you made this call on Mr. Regan at 1011 State Street? For what purpose did you go there?

Mr. WOOD. To see if there was anything new or anything of that kind that he would say.

Mr. LITTLEFIELD. You mean in relation to the Stephenson matter?

Mr. WOOD. Yes, sir.

Mr. LITTLEFIELD. Was it your purpose to get him to repeat again, for the sixth or seventh time, this alleged conversation?

Mr. WOOD. No; it was not.

Mr. LITTLEFIELD. Did you get him to repeat it again?

Mr. WOOD. Not at that time; no, sir.

Mr. LITTLEFIELD. So that on this occasion he did not repeat the conversation?

Mr. WOOD. No, sir.

Mr. LITTLEFIELD. And is that the only time when you met Mr. Regan after you had the conversation in Mr. Souther's office, at which he did not repeat the conversation?

Mr. WOOD. I did not say he repeated it every time I saw him.

Mr. LITTLEFIELD. I understood you to say he did.

Mr. WOOD. I think you misunderstood me.

Mr. LITTLEFIELD. Did you discuss this subject matter every time you saw him?

Mr. WOOD. No; I couldn't say we did.

Mr. LITTLEFIELD. Then there were times when you met Mr. Regan when he did not repeat this conversation?

Mr. WOOD. There were times when we had no opportunity to talk in regard to it. There were other people around.

Mr. LITTLEFIELD. When you had opportunity to talk about it, did he repeat it, when there were no other people around?

Mr. WOOD. Not every time.

Mr. LITTLEFIELD. Nearly every time?

Mr. WOOD. A good share of the time.

Mr. LITTLEFIELD. You always discussed this subject matter?

Mr. WOOD. Not always.

Mr. LITTLEFIELD. Every time you met him, you did not discuss this subject?

Mr. WOOD. Not every time.

Mr. LITTLEFIELD. You did not discuss it in the presence of anybody else at any time?

Mr. WOOD. No, with the exception of in front of Mr. Souther.

Mr. LITTLEFIELD. Were you careful to have all of these conversations with Mr. Regan between himself and yourself alone, when he repeated the conversation that you say took place in Mr. Souther's presence?

Mr. WOOD. I was not careful about it. I don't know whether he was or not.

Mr. LITTLEFIELD. It happened that way?

Mr. WOOD. It happened that way.

Mr. LITTLEFIELD. And when any other persons were around, you did not happen to talk about it; did you?

Mr. WOOD. No, sir.

Mr. LITTLEFIELD. And did not discuss it. I should like to have you state what was first said by anybody when Mr. Regan came into Mr. Souther's office on this evening when you say this conversation took place. What I want to know is, who made the first remark after Mr. Regan came into the room—you, Mr. Souther, or Mr. Regan?

Mr. WOOD. I don't remember who made the first remark.

Mr. LITTLEFIELD. Had you ever met Mr. Regan before that time?

Mr. WOOD. I had seen him, but never met him to know him.

Mr. LITTLEFIELD. Were you introduced to him?

Mr. WOOD. Yes.

Mr. LITTLEFIELD. By whom?

Mr. WOOD. By Mr. Souther.

Mr. LITTLEFIELD. After Mr. Souther introduced you and Mr. Regan, what, if anything, was first said?

Mr. WOOD. I don't remember exactly what the first words were that were said.

Mr. LITTLEFIELD. You do not remember who first introduced the conversation?

Mr. WOOD. I do not.

Mr. LITTLEFIELD. At the time you had this conversation with Mr. Regan in Mr. Souther's presence, you knew that Mr. Regan was the complainant and one of the principal witnesses in the proceeding against Mr. Wagner, by virtue of which Mr. Wagner was convicted of perjury and was serving a sentence; did you not?

Mr. WOOD. I didn't remember of knowing it until this time.

Mr. LITTLEFIELD. Until now?

Mr. WOOD. Until that time.

Mr. LITTLEFIELD. Were you a friend of Wagner up to that time?

Mr. WOOD. I never was a friend of him. I knew the man.

Mr. LITTLEFIELD. Were you acquainted?

Mr. WOOD. Yes, sir.

Mr. LITTLEFIELD. You knew about the Wagner trial?

Mr. WOOD. I had read about it.

Mr. LITTLEFIELD. Had you read about this investigation in connection with Wagner's testimony?

Mr. WOOD. Yes; I read something of it.

Mr. LITTLEFIELD. You knew that investigation implicated Mr. Regan as giving a bribe to the three men who went out of the legislature, did you not?

Mr. WOOD. I knew that was the name given; yes.

Mr. LITTLEFIELD. You knew that Wagner was prosecuted for committing perjury in connection with that statement?

Mr. WOOD. Yes, sir.

Mr. LITTLEFIELD. And you knew that Mr. Regan was the man principally implicated?

Mr. WOOD. That was my understanding.

Mr. LITTLEFIELD. You did not know that Mr. Regan had anything to do with Wagner's prosecution? Do you say that?

Mr. WOOD. I told you that was the name that I had heard; that had been given me as the man that was prosecuting him.

Mr. LITTLEFIELD. Then at the time you had this conversation in Mr. Souther's office you did know that Mr. Regan was the complainant?

Mr. WOOD. I told you that I had never known Mr. Regan, and that was my first time to know him.

Mr. LITTLEFIELD. That is all very true; but did you not know that Mr. Regan, the man to whom you were then introduced, was the man who was instrumental in prosecuting Wagner?

Mr. WOOD. I remembered the name; yes, sir.

Mr. LITTLEFIELD. You knew him to be the man?

Mr. WOOD. Yes, sir.

Mr. LITTLEFIELD. You knew you were getting a statement from the man who had prosecuted Wagner?

Mr. WOOD. Yes, sir.

Mr. LITTLEFIELD. Did it not strike you as a little peculiar that the man who had prosecuted Wagner was communicating to you facts that tended to show that Wagner was not guilty?

Mr. WOOD. He claimed all the time that Wagner was guilty of perjury.

Mr. LITTLEFIELD. He did?

Mr. WOOD. Yes, sir.

Mr. LITTLEFIELD. And still he gave you this story which tended to indicate the contrary? Is not that right?

Mr. WOOD. I don't know whether it tended to indicate the contrary or not.

Mr. LITTLEFIELD. Being a private detective, and familiar with ferreting out crime, you do not know enough about the statement that you say Mr. Regan made to judge whether it tended to show that Wagner was not guilty? Is that what you say?

Mr. WOOD. Wagner was guilty of another statement altogether.

Mr. LITTLEFIELD. As a detective, you do not know enough to know that the statement that you say Mr. Regan made tended to show that Wagner was not guilty of the crime with which he was charged?

Mr. WOOD. Mr. Regan claimed that Wagner was guilty of perjury.

Mr. LITTLEFIELD. Notwithstanding his statements indicating the contrary?

Mr. WOOD. He indicated that Wagner had lied in regard to him.

Mr. LITTLEFIELD. And the lie that Wagner told about Regan was that Regan paid the money to these three men for absenting themselves from the legislature?

Mr. WOOD. That is the way it was explained to me.

Mr. LITTLEFIELD. That was the gist of the whole transaction?

Mr. WOOD. Yes.

Mr. LITTLEFIELD. And Mr. Regan still claimed that Wagner was guilty and had lied about him, notwithstanding the fact that he was telling you this story which tended to show that money had actually been paid to these men for going out of the legislature? Do you mean that?

Mr. WOOD. That is the way he expressed himself—that he believed, himself, that money had changed hands.

Mr. LITTLEFIELD. He was telling you a story which tended to show that money had been paid to these three men, was he?

Mr. WOOD. That was the foundation of his story; yes.

Mr. LITTLEFIELD. Was anything said between you and Mr. Regan as to the propriety of calling the attention of the authorities to the fact that Mr. Regan was in possession of information that might tend to show that Wagner was not guilty?

Mr. WOOD. He said nothing with regard to that.

Mr. LITTLEFIELD. Nothing was said about that. Had you been up to Waupun at that time and had a conference with Wagner?

Mr. WOOD. Not at that time.

Mr. LITTLEFIELD. Were you up there afterwards?

Mr. WOOD. Yes, sir.

Senator POMERENE. Is that where the prison is?

Mr. LITTLEFIELD. Yes. Will you be kind enough, Mr. Wood, to go back and state, as fully as you can, just exactly what was said, and by whom, after you were introduced to Mr. Regan in Mr. Souther's office?

Mr. WOOD. Do you mean in regard to what Mr. Regan said?

Mr. LITTLEFIELD. I mean all the conversation that took place in Mr. Souther's office after you say Mr. Souther introduced you to Mr. Regan. I should like to have you start and give the conversation as it took place. I take it that, being a detective, a part of whose business is to get conversations and be able to remember them, you are able to give the committee an intelligent narrative of what took place, in substance, as the various people spoke, predicating that assumption upon your large experience as a detective. With that assumption, though it may be a violent one, basing it upon your vast experience and your desire to get employment in this particular case, be kind enough to tell the committee what was first said after you were introduced to Mr. Regan.

Mr. WOOD. I disremember the first remarks that were made.

Mr. LITTLEFIELD. You do?

Mr. WOOD. Yes.

Mr. LITTLEFIELD. You do not know whether Mr. Souther started it, or you started it, or Mr. Regan?

Mr. WOOD. I didn't start it, because I didn't know the gentleman at that time.

Mr. LITTLEFIELD. By the way, before I reach that——

The CHAIRMAN. Mr. Littlefield, I should like to have that rather imposing question answered before you pass to another subject. Let that question be answered without interjecting any additions to it. If the witness does not understand it, it will be reread to him as often as is necessary. Mr. Wood, do you understand the question?

Mr. WOOD. I would like to have it read.

The CHAIRMAN. The reporter will read the question.

(The reporter read as follows:)

Mr. LITTLEFIELD. I mean all the conversation that took place in Mr. Souther's office after you say Mr. Souther introduced you to Mr. Regan. I should like to have you start and give the conversation as it took place. I take it that being a detective, a part of whose business is to get conversations and be able to remember them, you are able to give the committee an intelligent narrative of what took place, in substance, as the various people spoke, predicating that assumption upon your large experience as a detective. With that assumption, though it may be a violent one, basing it upon your vast experience and your desire to get employment in this particular case, be kind enough to tell the committee what was first said after you were introduced to Mr. Regan.

The CHAIRMAN. The whole question is to be answered, or you may say that you can not do it—one or the other.

Mr. WOOD. Do you mean the introduction of the conversation?

The CHAIRMAN. The entire question.

Mr. WOOD. I think Mr. Souther made the remark that Mr. Regan was the gentleman that he had spoken to me in regard to knowing something, and Mr. Regan went on talking and said that he had received a telegram from a man by the name of Shields, from Washington, making an appointment with him at the Pfister Hotel, and that he had talked to him in regard to keeping some parties out of the legislature, and named over Farrell, Ramsey, and Towne, and said that he had came *carte blanche* from Mr. Stephenson——

Mr. LITTLEFIELD (to the reporter). Just get that—"had came *carte blanche*." We want it *verbatim et literatim*.

The CHAIRMAN. Do not make any interjection, because you are going to spoil the symmetry of this answer to a symmetrical question. Proceed, Mr. Wood.

Mr. WOOD. To draw for any amount that would be necessary to keep these men out; and he wanted to know from Mr. Regan if he thought they would stand hitched. He gave as his opinion that he thought they would, and he said that Mr. Shields said that it would be necessary for him to go to Madison; and Mr. Regan told him he could not go to Madison because he was known there too well, and he would be seen by people who knew him. Mr. Shields told him he would be kept out of the way, and he would not be seen by anyone with the exception of these men. And it was understood that he would let him know when he was to go, and that afterwards he received another telegram saying that Shields would be in Milwaukee; and upon this occasion Mr. Regan left the city and went, I think, to Waukegan, and was not here to meet him.

Mr. LITTLEFIELD. Is that all?

Mr. WOOD. That is the substance of the conversation that was held there.

Mr. LITTLEFIELD. State anything else that was said.

The CHAIRMAN. If any part of the question has not been answered, counsel may call the attention of the witness to that particular part; but it is not necessary to repeat the portion he has already answered.

Mr. LITTLEFIELD. No. Was anything further said?

Mr. WOOD. We remained there in the office for quite a little while afterwards, and Mr. Regan went on talking in regard to Mr. Wagner, and that in his opinion he had been put up to do what he had done.

Mr. LITTLEFIELD. State exactly what he said in relation to that.

Mr. WOOD. He said that he had known Mr. Wagner quite a while and that he had accommodated him in several ways, and that he didn't see why Wagner would tell anything in regard to him that was not true, and he believed that some one had put him up to it.

Mr. LITTLEFIELD. Did he say who?

Mr. WOOD. No; he didn't.

Mr. LITTLEFIELD. What else was said?

Mr. WOOD. I don't just remember any other part of the conversation.

Mr. LITTLEFIELD. Was anything else said?

Mr. WOOD. Just a general talk, I suppose.

Mr. LITTLEFIELD. How long were you there?

Mr. WOOD. Maybe 35 or 40 minutes.

Mr. LITTLEFIELD. Was Mr. Regan there 35 or 40 minutes?

Mr. WOOD. Yes; I think so.

Mr. LITTLEFIELD. Was any other subject discussed while Mr. Regan was there except this one to which you have referred?

Mr. WOOD. No; not that I remember of.

Mr. LITTLEFIELD. During the whole 35 or 40 minutes he was talking about this, or either you or Mr. Souther were talking about it, I suppose?

Mr. WOOD. They were doing the talking.

Mr. LITTLEFIELD. Who was doing the talking—Mr. Regan?

Mr. WOOD. Yes.

Mr. LITTLEFIELD. And you say the conversation continued there for 35 or 40 minutes?

Mr. WOOD. About that; yes.

Mr. LITTLEFIELD. And this is all of it that you can remember?

Mr. WOOD. That is the substance of the conversation.

Mr. LITTLEFIELD. Is this all of it that you can remember?

Mr. WOOD. All I remember at the present time; yes.

Mr. LITTLEFIELD. What did Mr. Souther say?

Mr. WOOD. He just answered when he was made a remark to. That was all.

Mr. LITTLEFIELD. What did Mr. Souther say, if you remember? Or do you remember that he said anything?

Mr. WOOD. I disremember just the answer that he would make or the remarks he would make.

Mr. LITTLEFIELD. Do you recollect a single thing that Mr. Souther said during those 35 or 40 minutes?

Mr. WOOD. Well, he was surprised that Wagner could be put up to tell something that was not true, and he didn't see why he had done it, if such was the case.

Mr. LITTLEFIELD. Do you recollect anything else that he said during that whole period?

Mr. WOOD. Not exactly; no, sir.

Mr. LITTLEFIELD. Do you say that you did not say anything while this conversation was going on?

Mr. WOOD. I might have said something once in a while; yes.

Mr. LITTLEFIELD. What did you say, if you remember? Or do you remember that you said anything?

Mr. WOOD. I passed a comment, I think, on Mr. Wagner, that I didn't see why he would say a thing like that if it was not true.

Mr. LITTLEFIELD. What else did you say?

Mr. WOOD. That Mr. Regan himself ought to know whether it was true or not.

Mr. LITTLEFIELD. What did Mr. Regan say to that?

Mr. WOOD. He said it was not true. The statement that Mr. Wagner had made was absolutely false, he said.

Mr. LITTLEFIELD. Did you say anything else?

Mr. WOOD. I do not just remember what was said—whether I did or not.

Mr. LITTLEFIELD. If the committee please, I will suspend the cross-examination here until Mr. Wood comes in with his book, which he says he can find, fixing that date.

The CHAIRMAN. The witness will be kept in attendance until we are through. You may be excused from the stand for the present. You are now under subpoena and will be retained.

Mr. WOOD. All right.

(The name of Frank Souther was called, but he did not respond.)

TESTIMONY OF THOMAS H. SANDERSON.

THOMAS H. SANDERSON being duly sworn, was examined, and testified as follows:

The CHAIRMAN. Where do you reside?

Mr. SANDERSON. At 176 Eleventh Street, in this city.

The CHAIRMAN. Have you a place of business?

Mr. SANDERSON. I have.

The CHAIRMAN. Where is it?

Mr. SANDERSON. 609 Caswell Block, in this city.

The CHAIRMAN. What is your business or profession?

Mr. SANDERSON. Attorney at law.

The CHAIRMAN. How long have you been such?

Mr. SANDERSON. Since March, 1909.

The CHAIRMAN. Are you acquainted with Harry W. Wood?

Mr. SANDERSON. I am.

The CHAIRMAN. How long have you known him?

Mr. SANDERSON. Since January, 1911—the last of January or the first of February.

The CHAIRMAN. Of the present year?

Mr. SANDERSON. Of the present year.

The CHAIRMAN. In what business has he been while you have known him?

Mr. SANDERSON. He is a private detective.

The CHAIRMAN. Has he made any statement to you in regard to a conversation at which Frank Souther, M. J. Regan, and himself (Mr.

Wood) were present, in regard to a statement made by Mr. Regan to himself (Mr. Wood) and Mr. Souther?

Mr. SANDERSON. He made a statement to me.

The CHAIRMAN. Give the time and place, please.

Mr. SANDERSON. But he did not give the name of Mr. Souther. He stated that Mr. Regan had given him a statement in the presence of someone else; but I did not get the name.

The CHAIRMAN. What did he tell you?

Mr. LITTLEFIELD. The chairman asked for the time and place. You did not give that.

Mr. SANDERSON. The time and place that Mr. Wood told me? I think it was some time in February of this year, or March, that he first spoke to me upon the subject.

The CHAIRMAN. Pause there; how did he come to speak to you about it?

Mr. SANDERSON. I will tell you my connection with him and the whole affair.

The CHAIRMAN. All right; just state it.

Mr. SANDERSON. Perhaps that will give the committee a clearer understanding of how it came up.

During the winter of 1909 I was assistant sergeant-at-arms of the senate at Madison. After that, and while I was there, I became well acquainted with Gov. Morris, then senator, and with Mr. Kittle, who was secretary to the board of normal regents, of which Gov. Morris is president. I became well acquainted with Gov. Morris and with Mr. Kittle and with a great many others who were friends of mine while I was there. After I graduated I practiced law at Portage, Wis., for some time, and then I came down to Milwaukee with John C. Kleist. While I was in the office there Mr. Wood was around a great deal, because he was doing some work for Mr. Kleist, working on some cases, and I met him a number of times, and knew him perhaps a month or six weeks, to the best of my recollection, before he said anything to me about this statement made by Mr. Regan. He made a statement to me which was substantially the same as he has made on the stand, except that he left out the details. He just gave me a rough outline of it. I asked various parties who knew Mr. Wood—Mr. Kleist included—something about him. Mr. Kleist said that he had done a great deal of work for him at one time and another, and he had always found him honorable, and that whenever he made a statement it was so, and whenever he got any evidence he never fell down on it.

I knew Mr. Kittle pretty well, and I knew that if anything of that kind was in existence, if there was anything which was not done rightfully in connection with the election of Senator Stephenson, Mr. Kittle would like to know about it. So, upon that statement, I saw Mr. Kittle here in Milwaukee, and at that time I told him that Mr. Wood had a statement from a certain party—I did not give the party's name—and I told him further that Mr. Wood was of the opinion that if he got time to work on it he could perhaps get some evidence that would shed quite a lot of light upon the whole situation. Mr. Kittle, I think, met Mr. Wood just a minute that morning, if I am not mistaken. I told Mr. Kittle that he could tell Gov. Morris if he wished to, and if there was anything in it perhaps they might want to find it out. I was not interested myself in the least, except to know if there was anything wrong that had been done.

Later Mr. Kittle and Mr. Crownhart, I believe, came to Milwaukee and interviewed Mr. Wood. I was not present at the time. I was out of the city for some reason; I am not sure what. I was not intentionally absent, and I did not know about the day of the meeting until it was all over, although I did know that they wanted to see Mr. Wood. Mr. Wood informed me that he had had a meeting with these gentlemen and that he had told them substantially what he had told me.

Mr. Wood also said, "Now, if I devote my time to this thing I want some money for expense money, and when I am through I will want a reasonable compensation." I told him I did not know how that could be arranged, but I would just refer the matter to Mr. Kittle and he could talk it over with Gov. Morris, or anybody—I think that is the only party I mentioned. They informed Mr. Wood, I believe, that there were no funds available for any such purpose, and I do not think Mr. Wood has received any compensation whatever—not to my knowledge, at least. Mr. Wood, I think, also suggested that he would work on any reasonable plan, and all he wanted was reasonable compensation; all he wanted was a fair compensation for the work he did. I do not know what he said to Mr. Kittle and Mr. Crownhart at the meeting with them.

The CHAIRMAN. And that is all that you know in regard to Mr. Wood's statement and the things pertaining to it?

Mr. SANDERSON. That is all I know, Mr. Chairman; yes.

The CHAIRMAN. When Gov. Morris was on the stand he made this statement:

I am also informed that there is a man here in Milwaukee, with whom I have not talked personally, who was informed by another party here in Milwaukee, whose name I do not know, that part of this money went to the three Democrats who walked out of the joint session. The gentleman's name here in Milwaukee who I understand has that information is Sanderson.

You are the man he referred to, I suppose?

Mr. SANDERSON. I did not hear his testimony, but I presume so, because I know him quite well.

The CHAIRMAN. What have you to say in regard to that statement?

Mr. SANDERSON. I know nothing of the information that he thinks I am aware of—nothing whatever.

The CHAIRMAN. Let us take that backward. It took several steps to approach it. We will see how we can transpose it. You are the gentleman who was told by another party, whose name Mr. Morris did not know. Did any person tell you anything about money being paid to the three men who stayed out of the legislature?

Mr. SANDERSON. No.

The CHAIRMAN. Then it is not necessary to look for the other link.

Mr. SANDERSON. No; I do not know anything about it.

The CHAIRMAN. There is no foundation for that statement?

Mr. SANDERSON. There is no foundation for that statement.

The CHAIRMAN. Did you ever talk with Gov. Morris about it?

Mr. SANDERSON. I never had a talk with him about it at all, except a very few words that I spoke in the lobby. The chairman heard them, I think, when I was——

The CHAIRMAN. I should like to have you repeat them.

Mr. SANDERSON. I do not think I said anything to him except "Good morning," and he said "Good morning" to me, and we shook hands.

The CHAIRMAN. That was the extent of the conversation and communication between you, was it?

Mr. SANDERSON. Then I spoke with him afterwards in the lobby yesterday at some time, and I stated to him something like this: That perhaps if Mr. Wood had worked upon this proposition he might have found out something; I do not know, but I said, "As the evidence stands, it is pretty hard to get enough evidence, in my judgment, to accomplish so very much, although I have no reason whatever to doubt Mr. Wood's statements. Personally, I believe they are true."

The CHAIRMAN. That is what you told the governor?

Mr. SANDERSON. Yes. That is all that I said.

The CHAIRMAN. Do you suppose that is the conversation upon which he based his statement?

Mr. SANDERSON. Oh, no. That conversation took place yesterday.

Mr. LITTLEFIELD. This was after he testified?

The CHAIRMAN. Had you had any conversation before at all?

Mr. SANDERSON. No; I had never spoken to him upon this subject.

The CHAIRMAN. He does not claim that you had a conversation with him. He claims that he had a conversation with another man, who had a conversation with you on that subject. You say there is no connection to be made there?

Mr. SANDERSON. No.

Mr. LITTLEFIELD. You never made any such statement to either Mr. Kittle or Mr. Crownhart, I take it?

Mr. SANDERSON. No; I never did.

Mr. LITTLEFIELD. So that they got no information from you that they could afterwards properly repeat?

Mr. SANDERSON. No.

Mr. LITTLEFIELD. And you never made any statement of that sort to any person other than Kittle or Crownhart?

Mr. SANDERSON. No; I never did.

The CHAIRMAN. I should like to ask a few more questions, if you will pardon me. Have you any information in regard to any money being paid any one or all of the three men who stayed out of the legislature at the time the vote was taken that elected Senator Stephenson?

Mr. SANDERSON. I have not.

The CHAIRMAN. You have no information of any kind or degree?

Mr. SANDERSON. No; except a little hearsay evidence, and what is in the investigation reports here.

The CHAIRMAN. From whom did you hear it?

Mr. SANDERSON. Anything I heard was simply an expression of an opinion by people when I was working in the senate; and I can not give the names.

The CHAIRMAN. It was this last session, was it?

Mr. SANDERSON. No; two years ago.

Mr. LITTLEFIELD. The year the election took place.

The CHAIRMAN. Then the people surrounding you were the people who participated in the election of Senator Stephenson. I have a

note saying that you are supposed to have some information in regard to money being paid to these men.

Mr. SANDERSON. I have none—absolutely none.

The CHAIRMAN. Are you referring to first-hand testimony, or do you mean to exclude information in the way of indirect testimony?

Mr. SANDERSON. I have no first-hand testimony, and I have no other testimony which is of any value, in my judgment. All the other testimony, if it can be called "testimony," is expressions of various people, as I worked about the capitol, of their opinion.

The CHAIRMAN. Expressions at the time of the occurrence?

Mr. SANDERSON. At the time of the occurrence; yes.

The CHAIRMAN. From whom did you have expressions?

Mr. SANDERSON. I can not give you the names of those persons. That happened about two years ago, and I did not pay much attention to it.

The CHAIRMAN. That will not do. You would pay attention to an expression that undertook to connect up members of the legislature with bribery, would you not?

Mr. SANDERSON. Yes.

The CHAIRMAN. We have had that expression oft repeated here by witnesses—that they "did not pay any attention to things"—a thoughtless expression. You are a lawyer, and you will appreciate this: You were connected there in such a way that I think we may assume that you paid some attention, a great deal of attention, to all that was said with reference to the possibility or probability of men being bribed in relation to their conduct in connection with the election of a Senator. What did you hear at the time of this occurrence, or about that time?

Mr. SANDERSON. I did not hear anything that I can swear to at this time.

The CHAIRMAN. Did you not hear it stated that a page on the floor had carried a note to Mr. Farrell's desk, and that immediately upon his delivery of that note Mr. Farrell arose and left the chamber?

Mr. SANDERSON. I did not.

The CHAIRMAN. Those pages were under your direct control, were they not?

Mr. SANDERSON. No; they were not. I was in the senate, and this happened in the assembly.

The CHAIRMAN. Oh! But it was in the joint session that this is said to have happened.

Mr. SANDERSON. Part of the time in the joint session I was up there and part of the time I was not.

The CHAIRMAN. Were you there the day of the election of Senator Stephenson?

Mr. SANDERSON. I do not remember whether I was there or not.

The CHAIRMAN. You do not remember whether you were present when Senator Stephenson was elected?

Mr. SANDERSON. I was around the building, but I do not know whether I was in the assembly chamber. The election dragged over a period of perhaps two months.

The CHAIRMAN. I am speaking of the 4th of March.

Mr. SANDERSON. That was the date of the final ballot.

The CHAIRMAN. It seems to have been quite a dramatic occurrence.

Mr. SANDERSON. I do not remember whether I was in the assembly chamber at the time of the election or whether I was around the lobbies.

The CHAIRMAN. The question of electing a United States Senator had become such an old and uninteresting question that you did not even notice whether it was going on?

Mr. SANDERSON. They had been voting on it for about two months; and part of the time when the votes were taken I was not up there and part of the time I was. The sergeant of the assembly and his assistant very often took charge of the order of the house; and almost all of the time when the sergeant of the senate did not act alone it was the sergeant of the senate that acted with the sergeant of the assembly, and the two assistants did not do anything much.

The CHAIRMAN. Did you not go on the floor with the members of the senate when they went to the hall of the house to participate in this great function?

Mr. SANDERSON. The sergeant of the senate went on the floor.

The CHAIRMAN. Alone?

Mr. SANDERSON. Alone, as usual.

The CHAIRMAN. You did not go?

Mr. SANDERSON. I do not think I went once. Possibly I might have gone once; but I think all the times they voted up there the sergeant of the senate led them up, and I stayed down below quite often in the senate chamber to take care of anything that needed to be taken care of there in the way of documents or anything else.

The CHAIRMAN. You regarded this as a great occasion, did you not?

Mr. SANDERSON. Why, yes; but we had so many great occasions. It lasted over about two months, every day. It got to be a sort of an old story.

The CHAIRMAN. Probably that accounts for some of the results that are attained. People fail to appreciate the importance of these occasions. You say you did not go on the floor at all?

Mr. SANDERSON. Sometimes I did and sometimes I did not.

The CHAIRMAN. Where would you be? Where would you remain while it was going on?

Mr. SANDERSON. I will tell you where I would be. I would be down in the senate chamber, taking care of the documents down there; or I would be around the lobbies of the assembly chamber, listening to the election; or at times I would be sitting up in the chair of the assistant sergeant at arms of the assembly.

The CHAIRMAN. When they were in joint session?

Mr. SANDERSON. When they were in joint session; that is where you would find me.

The CHAIRMAN. That is where one would expect to find you.

Mr. SANDERSON. As a matter of fact, I was not there very much of the time, because the sergeant of the assembly occupied that chair sometimes, and sometimes the assistant.

The CHAIRMAN. On the 3d of March the vote had been a tie; is that correct?

Mr. SANDERSON. I do not remember that.

The CHAIRMAN. And the dramatic period of that election had been reached. Was it not generally understood on the 4th of March that there was going to be an election?

Mr. SANDERSON. I do not remember whether it was or not. I was carrying a few hours' work in the law school at the time, and I used to get off a good deal.

The CHAIRMAN. I do not intend this for a proverb or a lecture; but when people begin to remember when those things are going to happen, many things that we are now bothered about will pass away. Did you note the absence of those three men?

Mr. SANDERSON. I did not.

The CHAIRMAN. When did you first know that they had been absent?

Mr. SANDERSON. I can not state the exact time; but it is my impression that it was a few minutes after the election that it was reported around.

The CHAIRMAN. It was before the senate members had left the chamber, was it not?

Mr. SANDERSON. That I was informed?

The CHAIRMAN. Yes.

Mr. SANDERSON. I can not say when I was informed.

The CHAIRMAN. Have you given it out that you knew about these things?

Mr. SANDERSON. I have not.

The CHAIRMAN. There seems to be an impression among some of those who have advised the chairman, at least, if not other members of the committee, that you know about the absence of these three men, and that you have a good bit of information about it because of the position that you held and because of the fact that you were in the lobby that day. I wish you would refresh your memory. It is in the interest of the welfare of all of the people that you do so. If you know, just be as candid about it as you were about the testimony of Mr. Wood.

Mr. SANDERSON. I am absolutely candid, Senator; and I am positive that I could not refresh my memory in any way that would give me any information along the lines suggested—absolutely positive.

The CHAIRMAN. You are supposed to have had personal knowledge of the page carrying the message to the member in his seat in joint session as the senate came in.

Mr. SANDERSON. I have no such knowledge—absolutely no such knowledge.

The CHAIRMAN. And you can safely say that you never had knowledge on the subject?

Mr. SANDERSON. I never had any such knowledge.

The CHAIRMAN. Did you ever hear about it?

Mr. SANDERSON. I never heard about it. The first time I heard about it was——

The CHAIRMAN. Did you ever hear that you were charged with having knowledge of it?

Mr. SANDERSON. I never did. The first time was right here.

The CHAIRMAN. Did you ever hear that you were charged with having knowledge of the cause and conditions surrounding the absence of those three senators?

Mr. SANDERSON. I never did—absolutely never.

The CHAIRMAN. It is now past the time for the recess. Before adjourning, however, I desire that without any uncertainty we shall have Mr. Souther present upon reconvening.

Mr. LITTLEFIELD. Mr. Chairman, before we adjourn I should like to get the permission of the committee to take from Mr. Morley's deposition an original memorandum book which is now attached thereto. I told him I would present it to the committee so that they could inspect it.

The CHAIRMAN. The deposition is not yet in the hands of the committee; and the counsel is at liberty to do what may properly be done before it comes into the committee's hands.

Mr. LITTLEFIELD. Then I think perhaps I had better offer the deposition.

The CHAIRMAN. I will suggest that after it is once offered and received it would not be well to change it. The time to change it, if you want to do so, is before offering it.

Mr. LITTLEFIELD. I do not want to do it without the permission of the committee.

The CHAIRMAN. Is the man present who swore to it?

Mr. LITTLEFIELD. No.

The CHAIRMAN. He will have to be present.

Mr. LITTLEFIELD. He has gone home.

The CHAIRMAN. He must be present. Counsel knows as well as anybody—he does not need to be told—that you can not change a man's affidavit with the consent of somebody else.

Mr. LITTLEFIELD. No; but this is simply taking an exhibit from it; that is all.

The CHAIRMAN. He makes the exhibit a part of it. I do not think it is a necessary part of it; but his presence would be necessary to change it.

Mr. LITTLEFIELD. Very well.

(Whereupon, at 12 o'clock and 35 minutes p. m., the subcommittee took a recess until 2 o'clock p. m.)

AFTER RECESS.

At the expiration of the recess the subcommittee resumed its session.

TESTIMONY OF THOMAS H. SANDERSON—Resumed.

The CHAIRMAN. The witness is with counsel.

Mr. SANDERSON. I wish to modify slightly one statement I made before dinner.

The CHAIRMAN. Proceed.

Mr. SANDERSON. I think I stated that during the time the election proceedings were being held in the assembly chamber I would be found either about the lobbies of the assembly chamber or down in the senate chamber, which is on the floor below, or up in front sitting with the assistant sergeant at arms of the assembly. That is true in all cases that I was there. I was carrying some work in the university, and if my recollection is correct there were two hours of the week, between 12 and 1 o'clock, that my attendance was required at the university law school.

Senator POMERENE. Two hours each week, or each day?

Mr. SANDERSON. Two hours a week; at 12 o'clock each day, on two days; on two days of the week, between 12 and 1 o'clock my

attendance was required at the university law school in connection with the study of constitutional law. Some days I cut that class, when it was necessary; but ordinarily the sergeant at arms of the senate said that he and the sergeant of the assembly and the assistant sergeant of the senate could easily take care of the proceedings up in the assembly chamber, and that I could go and take my classes between the hours of 12 and 1 on two days a week.

I think it very probable, if my memory serves me rightly, that if the records of Prof. Gilmore of the law school could be found, they would show that on the 4th of March, between the hours of 12 and 1 o'clock, I was in attendance. I am not sure of that. My recollection is hazy.

Senator POMERENE. Have you not any definite memory on that subject?

Mr. SANDERSON. No, sir; I have not.

Senator POMERENE. From your statement it would seem that you were reasoning out the fact that you were not there on that day, instead of having memory about it.

Mr. SANDERSON. That is the statement that I am making, Senator. I have a hazy recollection that I was not at the capitol at the time the election took place; but I am not certain about that.

Senator POMERENE. Here was the election of a Senator which occurred on the 4th of March, and if we can believe some of the testimony here, almost immediately afterwards there was a good deal of talk about certain irregularities that occurred. Do not all of those things help to fix definitely in your mind the fact as to whether or not you were there at the time this election was taking place?

Mr. SANDERSON. No, sir; they do not. There were a number of times during the proceedings when it was thought an election would take place, but it fell through at the last day for some reason or other. There were reports around that perhaps to-morrow Stephenson would be elected, and then he would not be elected, and hung it fire that way, day after day and week after week.

Senator POMERENE. He was elected on the 4th of March. Being about the legislative halls there, did you not hear some of this talk about certain irregularities?

Mr. SANDERSON. Yes, I heard it; but I do not remember when.

Senator POMERENE. You heard about the coincidence of these three Democrats being out of the chamber at the time that election occurred?

Mr. SANDERSON. I heard all about that, yes.

Senator POMERENE. Does not that refresh your memory as to whether you were there or not to witness these things?

Mr. SANDERSON. No; it does not. Personally I did not witness the fact that these three men were absent. I could not say they were.

Senator POMERENE. No; but I mean to witness the proceedings of the joint session.

Mr. SANDERSON. No; it does not refresh my memory.

Senator POMERENE. Does that refresh your mind as to the fact that there was a rumor to the effect that one of these pages had taken a note to this one assemblyman?

Mr. SANDERSON. No, sir; it does not. It might have been told me at the time.

Senator POMERENE. But you have no memory about any such rumor as that, even?

Mr. SANDERSON. I have no memory at present of any such rumor as that.

Senator POMERENE. I think that is all.

Mr. SANDERSON. I might add another word, and that is why I did not keep in as close touch with the proceedings as I otherwise would have done. I was taking some work in the law school, and every moment of time I could get I was studying law. I was working very hard, and when I went home at night, I would study for several hours, until 1 or 2 o'clock at night. I was not, therefore, so engrossed in the proceedings for the election of Senator as I would have been if I had had nothing to do during my spare moments and had been talking with the people about the halls.

Mr. LITTLEFIELD. I understood you to say that Mr. Wood expressed his willingness to work on any reasonable plan in connection with Mr. Morris and Mr. Kittle and Mr. Crownhart. Did he in substance, state that?

Mr. SANDERSON. I think he did, yes.

Mr. LITTLEFIELD. Did you know at that time that he had offered to work for them for \$10 a day?

Mr. SANDERSON. No, I did not.

Senator POMERENE. To work for whom?

Mr. LITTLEFIELD. To work for Mr. Kittle and Mr. Morris and Mr. Crownhart. He says he offered to work for them for \$10 a day, and they declined it.

You understand that Mr. Morris sent word down that there were no funds for that purpose? I understood you to say that.

Senator POMERENE. Did he make the statement in regard to \$10 a day?

Mr. LITTLEFIELD. Yes; Mr. Wood did.

Senator POMERENE. I was out for a moment and did not hear it.

Mr. LITTLEFIELD. Oh, yes; he made that statement, that he offered to work for \$10 a day, and they declined to employ him. I understood Mr. Sanderson to say that he heard Gov. Morris, I think, send word down that there were no funds available for that purpose.

Mr. SANDERSON. I do not know whether Gov. Morris sent the word down or not.

Mr. LITTLEFIELD. Who did?

Mr. SANDERSON. I saw Mr. Kittle here in the city, and he gave me that impression.

Mr. LITTLEFIELD. You gained information from Mr. Kittle that somebody said there were no funds for that purpose, and that the employment could not be made?

The CHAIRMAN. Will you not identify this Mr. Kittle, as a part of your examination, Mr. Littlefield, and ascertain as to his availability.

Mr. LITTLEFIELD. Who is this man Kittle?

Mr. SANDERSON. Mr. Kittle?

Mr. LITTLEFIELD. Yes. Give us his full name.

Mr. SANDERSON. William Kittle.

Mr. LITTLEFIELD. Where is he now? Do you know?

Mr. SANDERSON. I think he can be found at Madison.

Mr. LITTLEFIELD. He is connected with the State Government?

Mr. SANDERSON. Yes.

Mr. LITTLEFIELD. And Mr. Crownhart is also connected with the State Government?

Mr. SANDERSON. I think he is.

Mr. LITTLEFIELD. And he is also at Madison?

Mr. SANDERSON. I think so.

Mr. LITTLEFIELD. So that both of these men can be found at Madison, as I understand it?

Mr. SANDERSON. I think so.

Mr. LITTLEFIELD. Was it about the time when they declined to employ Mr. Wood that Mr. Wood stated to you that he was willing to take up the work on any reasonable plan as to compensation?

Mr. SANDERSON. I think that was before he interviewed them.

Mr. LITTLEFIELD. That was before he interviewed them?

Mr. SANDERSON. I think so.

Mr. LITTLEFIELD. What did he indicate was a reasonable plan?

Mr. SANDERSON. He said that under any arrangement he would want enough money for his expenses while he was working, and when he was through whatever the parties he was working for might think right—something like that. He never made his terms definite.

Mr. LITTLEFIELD. Did he indicate that he was willing to take it up on a contingent basis?

Mr. SANDERSON. No, sir.

Mr. LITTLEFIELD. He was willing to go ahead if somebody would pay his expenses, and then would let them say ultimately what his services were worth?

Mr. SANDERSON. He did not express himself very definitely on that point.

Mr. LITTLEFIELD. That is the impression you gathered from him; is it not?

Mr. SANDERSON. Or if he did good work, whether or not he was to get so much a day for all the time he was in it, or something of that kind. I did not get any definite impression.

Mr. LITTLEFIELD. Did you not get the impression from your conversation with him that if they would guarantee his expenses he would let the matter of compensation go until the work was done and take his chances as to being able to agree upon it then?

Mr. SANDERSON. I am not sure whether or not he made a definite statement of that kind.

Mr. LITTLEFIELD. Was not that the substance of what he said?

Mr. SANDERSON. I rather think he gave me the impression he wanted his expenses, and then when the work was done, if he had done good work, he was to get so much a day or so much a month.

Mr. LITTLEFIELD. How much a day?

Mr. SANDERSON. Those terms were never arranged.

Mr. LITTLEFIELD. And if it did not turn out to be of value, what then?

Mr. SANDERSON. I do not know whether there was to be any difference in the compensation.

Mr. LITTLEFIELD. What sense was there in suggesting that if the results were valuable he should receive a certain sum?

Mr. SANDERSON. Not the results; but if they were satisfied he had done good, faithful work, or something of that kind.

Mr. LITTLEFIELD. Then he was willing to accept a certain compensation?

Mr. SANDERSON. Yes. He said, "The statements I make to you, the story that Regan told me," he said, "of course if the gentlemen

find out there is no foundation for these statements, that what I am telling them is not the truth, I will not expect them to advance me very much money."

Mr. LITTLEFIELD. That practically amounts to a contingent basis, does it not? You know what I mean by a contingent basis. That is, if the information did not turn out to be of any value, he really did not expect much, if any, compensation?

Mr. SANDERSON. He expected his expenses, and, I don't know; something like a few dollars a day.

Mr. LITTLEFIELD. Did it not practically come down to a contingent basis?

Mr. SANDERSON. No; I do not believe it did. To tell you the truth, the thing never went far enough in the direction of what Wood was to get for me to state accurately any agreement that was made, or hardly any offer that was made.

Mr. LITTLEFIELD. The reason I am following this up is because of your statement that Wood told you he was willing to work on any reasonable plan as to compensation.

Mr. SANDERSON. I do not think he went very much further than that.

Mr. LITTLEFIELD. Except that he did go as far as you have just stated—that the if the story turned out to have no foundation, if it was not true, he would not expect much, if anything, for his compensation?

Mr. SANDERSON. I do not think he stated it exactly in that way. He stated, "If the people find out that I am just going to play a game to get money, that I never heard this, or anything of that kind, and that I am acting in bad faith with them, of course, as soon as they discover that I do not expect any compensation."

Mr. LITTLEFIELD. So that before any employment took place, and before he had had any talk with him, he was rather protecting himself against an expected suggestion of bad faith?

Mr. SANDERSON. I think——

Mr. LITTLEFIELD. Was he not doing that with you?

Mr. SANDERSON. I think Kittle brought up the subject, though I am not sure. He said, "Now, here: Is Wood just trying to get a hundred dollars or two hundred dollars, or fifty dollars, something like that, for nothing, or is he acting in good faith?"

Mr. LITTLEFIELD. Did Kittle make that statement in your office?

Mr. SANDERSON. I think so.

Mr. LITTLEFIELD. In the presence of Wood?

Mr. SANDERSON. Wood was not there at the time.

Mr. LITTLEFIELD. Did you communicate that to Mr. Wood?

Mr. SANDERSON. I think I did.

Mr. LITTLEFIELD. Apparently, then, at that time, Kittle was a trifle suspicious of Wood?

Mr. SANDERSON. He had never met him, and the first thing he did when he sat down, he said, "Who is this Wood?" I said, as I have stated this morning, "From what I can gather, he is a reliable and truthful man."

Mr. LITTLEFIELD. If Kittle suggested an inquiry as to whether this man was trying to get a hundred dollars or a few dollars out of him, it rather indicated that either the character of the story or

something he had been told had made him suspicious of Wood, did it not?

Mr. SANDERSON. I think Kittle stated that before the details of the story had been gone into.

Mr. LITTLEFIELD. In any event, the making of that suggestion by Kittle impressed you with the idea that Kittle was suspicious of Wood and his story?

Mr. SANDERSON. No; it did not. It just impressed me with the idea that he was a cautious man, just as I would be on meeting a stranger.

Mr. LITTLEFIELD. He wanted to know practically whether he was putting up a job on him?

Mr. SANDERSON. Yes. He did not say that in so many words.

Mr. LITTLEFIELD. I did not ask you that. You have already said that he made these inquiries, which indicated that he was looking out for a job being put up on him, as a matter of caution. You heard Wood's testimony this morning?

Mr. SANDERSON. I heard most of it. I was sitting back there in the court room and could not hear it all.

Mr. LITTLEFIELD. Did you hear his statement of the conversation with Regan?

Mr. SANDERSON. Yes; most of it.

Mr. LITTLEFIELD. Did he repeat that whole conversation to you?

Mr. SANDERSON. He repeated a rough sketch of it to me. He did not put in all of the details.

Mr. LITTLEFIELD. State just what he did say to you.

Mr. SANDERSON. The last statement of that was made to me some months ago.

Mr. LITTLEFIELD. State what he first said to you. State the rough sketch that he first gave you.

Mr. SANDERSON. As near as I can remember, it was something like this: That Shields sent a telegram to a party in Milwaukee requesting an appointment, and afterwards that appointment was made.

The CHAIRMAN. I think you had better give the name of the party.

Mr. SANDERSON. At first he did not tell me the name of the party.

Mr. LITTLEFIELD. He is giving the conversation as nearly as he can remember it, as I understand.

Mr. SANDERSON. That appointment was made; that one of Stephenson's agents said to Regan, "I am here with authority" from either Stephenson or Stephenson's manager, or some one having charge of Stephenson's affairs in Washington, to draw for any amount necessary in order to keep certain assemblymen out of the joint session, so that an election of Senator Stephenson might be made possible; and that this party here in Milwaukee was asked if he thought these three men would stay hitched, if they were hitched, or words to that effect; that afterwards another appointment was made by one of Stephenson's agents here in Milwaukee with this same Milwaukee party, but the Milwaukee party was not present, and the Milwaukee party had been told by one of Stephenson's agents that it would be necessary for him to go to Madison, and he said that he did not really like to go. That, I think, was in substance what he said.

Mr. LITTLEFIELD. He did not give the name of the Milwaukee party?

Mr. SANDERSON. Not at that time; no, sir.

Mr. LITTLEFIELD. Did he give the name of the Stephenson agent?

Mr. SANDERSON. Shields was connected with it as one name, and I do not remember whether any other name was used or not.

Mr. LITTLEFIELD. Did he give the names of the three men who were to be kept out of the legislature?

Mr. SANDERSON. I am not certain whether he did or not. I knew of three men being absent, over which considerable question was raised.

Mr. LITTLEFIELD. But the question is, did Wood give you the names of the three men?

Mr. SANDERSON. I think he did at that time, but I am not positive.

Mr. LITTLEFIELD. Did he give you the name of the man in whose presence the conversation was alleged to have taken place?

Mr. SANDERSON. No, he did not; but he said there was a man present who overheard it.

Mr. LITTLEFIELD. Did he ever give you the name of that man?

Mr. SANDERSON. If he did, it slipped my memory until it was given to the committee in this room.

Mr. LITTLEFIELD. You had no recollection of it until you heard him state it this morning?

Mr. SANDERSON. I think he gave it to me, but I would not be sure it was right.

Mr. LITTLEFIELD. What name did he give you?

Mr. SANDERSON. I think the name was Souther.

Mr. LITTLEFIELD. Did he give his full name?

Mr. SANDERSON. I do not think he did. He may or he may not have given it.

Mr. LITTLEFIELD. Did he give the name of Mr. Souther to Mr. Kittle and Mr. Crownhart, or were you present at that conversation?

Mr. SANDERSON. I was not there.

Mr. LITTLEFIELD. Did he give the name of Mr. Souther to Kittle when Kittle had the first conversation with him in your office?

Mr. SANDERSON. No; Kittle talked with him only about a minute or two at that time.

Mr. LITTLEFIELD. Did you make an arrangement by virtue of which Crownhart and Kittle afterward met Wood in your office?

Mr. SANDERSON. I informed Kittle that he could meet Wood in my office if he wished to; and at the time they met I was in Montana on business for about two weeks.

Mr. LITTLEFIELD. Had you made any arrangement with Wood to meet them in your office?

Mr. SANDERSON. I think I had. I am not sure how that meeting took place.

Mr. LITTLEFIELD. How long had you been in Montana when the meeting took place?

Mr. SANDERSON. Oh, I think perhaps 10 days; a week or 10 days.

Mr. LITTLEFIELD. When was that meeting? Was it within the last three or four or five months?

Mr. SANDERSON. It was in the month of August.

Mr. LITTLEFIELD. August, 1911?

Mr. SANDERSON. Yes; the first part of August.

Mr. LITTLEFIELD. You had been in Montana 10 or 11 days?

Mr. SANDERSON. I could not say whether three or four days or 10 or 11 days.

Mr. LITTLEFIELD. How long were you absent from town in Montana on that trip?

Mr. SANDERSON. I was absent somewhere about 20 days.

Mr. LITTLEFIELD. You say Wood has been employed in some cases by Mr. Kleist?

Mr. SANDERSON. Yes.

Mr. LITTLEFIELD. What are those cases?

Senator POMERENE. Is not this going into another man's professional affairs?

Mr. LITTLEFIELD. I want to get the names of two or three cases. I do not know that it will lead exactly where I expect it to, but I can not tell until I get the testimony.

Senator POMERENE. I should doubt the propriety of going into that. It may disclose some things in the office of Mr. Kleist. Of course I do not think that would be your purpose, and I am sure it would not be; but it might lead there.

Mr. LITTLEFIELD. I do not intend to ask anything about any confidential relations between Mr. Wood and Mr. Kleist.

The CHAIRMAN. Not even the names of the parties?

Mr. LITTLEFIELD. That I did want, if the chairman please; but if the committee thinks that is going too far I shall not press it.

The CHAIRMAN. It might get on dangerous ground.

Mr. LITTLEFIELD. Very well. That is all.

TESTIMONY OF FRANK T. SOUTHER.

FRANK T. SOUTHER, having been duly sworn, was examined and testified as follows:

The CHAIRMAN. Where do you reside?

Mr. SOUTHER. 598 Thirty-third Avenue.

The CHAIRMAN. Is that in the city of Milwaukee?

Mr. SOUTHER. It is in the county of Milwaukee, just outside the city limits.

The CHAIRMAN. How long have you resided in that place?

Mr. SOUTHER. I have lived in that place for 50 years.

The CHAIRMAN. Have you at any time held public office in this city?

Mr. SOUTHER. Oh, some minor offices.

The CHAIRMAN. What position do you now occupy?

Mr. SOUTHER. I am working for the city of Milwaukee at the present time.

The CHAIRMAN. In what capacity?

Mr. SOUTHER. I am an inspector on street work.

The CHAIRMAN. Do you know Harry W. Wood?

Mr. SOUTHER. Yes.

The CHAIRMAN. How long have you known him?

Mr. SOUTHER. Oh, a couple of years; perhaps three years.

The CHAIRMAN. Can you fix pretty closely the time when you first made his acquaintance?

Mr. SOUTHER. No; I could not. It is quite a while. I could not tell just how long ago it is.

The CHAIRMAN. Have you known him in Milwaukee?

Mr. SOUTHER. Yes; right here. I have met him every day right along for a number of years.

The CHAIRMAN. Do you know in what business he is engaged?

Mr. SOUTHER. Yes.

The CHAIRMAN. Were you present at a conversation between Harry W. Wood and M. J. Regan in this city at any time when the question of the election of Senator Stephenson was discussed in any of its phases?

Mr. SOUTHER. Yes.

The CHAIRMAN. Do you know Mr. Regan?

Mr. SOUTHER. I do.

The CHAIRMAN. This was in the Merrill Building?

Mr. SOUTHER. 504 Merrill Building, in my office.

The CHAIRMAN. Is that your present office?

Mr. SOUTHER. The office of the company of which I am the secretary.

The CHAIRMAN. What is the name of that company?

Mr. SOUTHER. The Unity Realty Co.

The CHAIRMAN. It was your office at that time?

Mr. SOUTHER. Yes.

The CHAIRMAN. So that both of these men were visitors at your office?

Mr. SOUTHER. Yes.

The CHAIRMAN. How did it come about that they were there? Was it by appointment or by accident?

Mr. SOUTHER. It was by appointment.

The CHAIRMAN. Just state the circumstances and who made the appointment.

Mr. SOUTHER. I did.

The CHAIRMAN. With whom?

Mr. SOUTHER. With Mr. Regan. He came up there with me to talk this matter over—not the Stephenson matter, but the fact that Frank Wagner was in jail at that time.

The CHAIRMAN. That was what brought you together?

Mr. SOUTHER. Yes. I knew Wagner and I knew Regan, and we both of us thought there was somebody else back of Wagner. Regan stated to me that he would like to find out who was back of this thing. That was the interest that I had in it.

The CHAIRMAN. You had known Frank Wagner?

Mr. SOUTHER. Yes; I had known him, meeting him around the city in the Plankinton House, and at different billiard halls that I frequent when I have not anything else to do.

The CHAIRMAN. And you had made the appointment with Regan to come to your office and talk over the Wagner case?

Mr. SOUTHER. Yes.

The CHAIRMAN. How did it come that Harry Wood came there? Was that by accident or by appointment?

Mr. SOUTHER. No; Mr. Wood knew Wagner, and neither of us thought it right that that man should be in jail, when we thought that he knew part of the truth—perhaps not the whole of it—and that he had made a mistake, in my opinion, in Mr. Regan's case. Whether or not he did in the other is not for me to say. I do not know. It was sympathy on my part.

The CHAIRMAN. When you came together the matter was talked over; and what statement, if any, did Mr. Regan make in regard to the subject that brought you together? Tell us what happened.

Mr. SOUTHER. Of course there was a whole lot said, one way and another, that I can not remember.

The CHAIRMAN. That is what we want to hear.

Mr. SOUTHER. I can not remember everything; but the cardinal points were these: A man sent a telegram to Mr. Regan. He gave me that man's name.

The CHAIRMAN. Who told you that?

Mr. SOUTHER. Mr. Regan told me this. He received this telegram, and he gave me the name of Robert Shields. He told me that that man lived up in the northern part of the State—possibly at Heine-man, but he was not sure. He told me that he had never met the man.

The CHAIRMAN. Proceed.

Mr. SOUTHER. That he had met this man, and he told him he had come here to act for Stephenson.

The CHAIRMAN. You say this man was named Shields?

Mr. SOUTHER. Robert Shields.

The CHAIRMAN. And Regan said he had met Robert Shields?

Mr. SOUTHER. That he had met him.

The CHAIRMAN. Here?

Mr. SOUTHER. Yes; in the Hotel Pfister, by appointment. He said there had been two telegrams. Shields told him that he came here prepared—he was given *carte blanche*, and Stephenson must be elected. That is the conversation.

The CHAIRMAN. Is that all that was said?

Mr. SOUTHER. I can not remember; but that was the gist of the whole thing.

The CHAIRMAN. Did he mention the names of any men who were to be acted upon for the purpose of bringing about Senator Stephenson's election?

Mr. SOUTHER. Not at that time.

The CHAIRMAN. Did he at any time in discussing this matter? This is the conversation that was in the presence of Wood, when you three were together?

Mr. SOUTHER. Yes. That is the conversation at that time. He further stated that he took advice on this proposition from an attorney named Ryan, in Waukesha.

Mr. LITTLEFIELD. Mr. Regan did?

Mr. SOUTHER. Yes.

The CHAIRMAN. On what proposition?

Mr. SOUTHER. The proposition that Shields offered him.

The CHAIRMAN. Did he say what the proposition was?

Mr. SOUTHER. Why, the hitching of the legislature in some way. I am not very much up on those things.

The CHAIRMAN. You can tell us as nearly as you can what was said.

Mr. SOUTHER. And he went to Waukesha and saw this attorney, and this attorney told him to have nothing to do with it in any way, shape, or form, which I believe is what Mr. Regan did. He did not have anything to do with it, in my opinion, from all he has ever said to me.

The CHAIRMAN. Mr. Regan told you that he had two telegrams from Shields?

Mr. SOUTHER. Yes.

The CHAIRMAN. The first one was to what effect?

Mr. SOUTHER. I think it was that he would be on here, and the next one was an appointment.

The CHAIRMAN. The first one was the one that said he had carte blanche?

Mr. SOUTHER. No; not the telegram. He did not state that he had ever had that in the form of a telegram. He never stated that to me.

The CHAIRMAN. But he said he would be on?

Mr. SOUTHER. He would be on. That is as I understood it.

The CHAIRMAN. Did Mr. Regan have the telegram there at that time?

Mr. SOUTHER. No; he did not. This was simply his statement.

The CHAIRMAN. And what did he say the second telegram was?

Mr. SOUTHER. He made an appointment at the Pfister Hotel.

The CHAIRMAN. Which you say Mr. Regan did not keep, or which he said he did not keep?

Mr. SOUTHER. No, sir. He kept that appointment.

Senator POMERENE. That is the first appointment?

Mr. SOUTHER. The first appointment. Anything further than that I do not know.

The CHAIRMAN. Mr. Regan said he kept the first appointment, did he?

Mr. SOUTHER. Yes.

The CHAIRMAN. Did Mr. Regan say anything about having been asked to go to Madison, and having been promised that he would be kept out of the way if he went there?

Mr. SOUTHER. No; he did not say anything of that kind to me.

The CHAIRMAN. We would like very much to fix the date of this meeting at your office.

Mr. SOUTHER. I do not remember the date.

The CHAIRMAN. Not remembering that, perhaps you can remember something else which would enable you to fix it, by association.

Mr. SOUTHER. It was after Mr. Wagner was in jail for awhile.

The CHAIRMAN. It was while Mr. Wagner was in jail?

Mr. SOUTHER. Yes.

The CHAIRMAN. How long had he been in jail?

Mr. SOUTHER. I can not state. I could not fix any specific date for that.

The CHAIRMAN. Is there no contract or work or item of work that you can remember that you were engaged in at that time?

Mr. SOUTHER. It was possibly a couple of months, something like that, after Wagner went in. Of course, it was a matter of general conversation here in the city. The papers were full of it, and all that sort of thing. The thing dragged along.

The CHAIRMAN. Wagner was convicted on the 30th and sentenced on the 31st of July, 1909.

Mr. SOUTHER. It was probably a couple of months after that; something like that.

The CHAIRMAN. Do you think it would be as late as September?

Mr. SOUTHER. I think so, but really I do not know what time it was.

The CHAIRMAN. There was nothing that you were doing at that time in connection with your duties by which you could fix the date?

Mr. SOUTHER. No; I could not fix the date.

The CHAIRMAN. Have you told all that occurred at that time in the way of conversation or statement in regard to this matter by Mr. Regan?

Mr. SOUTHER. I think so; yes. We agreed at that time to have Wood go up to Waupun and talk with Wagner.

The CHAIRMAN. You and Regan agreed to that?

Mr. SOUTHER. Yes. Wood said that he would go up there. He knew Wagner well, and he would see if he could not find out who was back of Wagner.

The CHAIRMAN. You have said that Mr. Regan believed that a part of what Wagner had told was true, but took exception to that part of his testimony which connected him (Mr. Regan) with the occurrence which Wagner stated took place in the Plankinton Hotel?

Mr. SOUTHER. Not just in that way.

The CHAIRMAN. State it in your own way.

Mr. SOUTHER. We all thought there must be somebody back of Wagner. Mr. Regan did not say that; but we talked the matter over, and we come to the conclusion that there must be somebody back of Frank Wagner. We wanted to find out, if possible, who it was. Regan and I have always been good friends, and I thought it was too bad that a man was dragged in in that way when there was not a possible chance of his ever having had anything to do with it, in my mind. That was the interest I had in it, and also knowing Wagner.

The CHAIRMAN. Had you known Wagner pretty well?

Mr. SOUTHER. I had met him on the street and in the billiard halls, and he used to come to my office every once in a while and chat with me. I never had any business with him in any way, shape, or form.

The CHAIRMAN. I do not want to set your opinion up against that of the jury or the court that convicted Wagner, but is it your opinion that some part of his testimony in regard to seeing the things he claimed to have seen in that room was true?

Mr. SOUTHER. I could not help but believe it. He must have had some grounds to work on.

The CHAIRMAN. Now, I am going to read to you a statement that Mr. Wood made in writing in regard to this matter, and I will ask you how much of it is true. It may refresh your memory. [Reading:]

I had a talk with Mr. Regan in an office in the Merrill Building in the presence of Frank Souther, a contractor, in which Regan made the following statements: "That Regan had received a telegram from Shields in Washington making an appointment to meet him at the Pfister Hotel, in Milwaukee, and that he kept the appointment at the Pfister Hotel and talked over the situation with Shields."

Is that much of it true?

Mr. SOUTHER. That is what Mr. Regan told me.

The CHAIRMAN. He told the two of you together?

Mr. SOUTHER. Yes; that is what he said.

The CHAIRMAN. Did he ever tell you that more than once?

Mr. SOUTHER. Why, no.

The CHAIRMAN. Did you ever talk this question over more than once?

Mr. SOUTHER. Why, yes. Well, no; not that part of it.

The CHAIRMAN. I will proceed with this statement. He goes on to say:

Mr. Shields told Mr. Regan that he had come direct from Washington from Stephenson; had come *carte blanche* to draw for any amount of money that would be necessary to carry through a certain deal.

He is now relating the conversation that took place.

Mr. SOUTHER. Yes, sir; I understand. That is the conversation, sir.

The CHAIRMAN. Mr. Regan made that statement?

Mr. SOUTHER. Yes, sir; he did.

The CHAIRMAN (reading):

He mentioned over the names of Towne, Farrell, and Ramsey.

Mr. SOUTHER. I do not remember Towne, but I do remember Farrell and Ramsey. I do not remember whether he mentioned Towne's name or not.

The CHAIRMAN. Do you remember Mr. Regan mentioning those names as having been mentioned by this man that he met at the hotel? I will read that to you again. I am now reading the statement made by Mr. Wood.

Mr. SOUTHER. Yes; I know. I could not say that he said that Shields—just read that again, please.

The CHAIRMAN (reading):

He [that is, Mr. Shields] mentioned over the names of Towne, Farrell, and Ramsey, and wanted to know of Mr. Regan if he thought they would stand hitched.

Mr. SOUTHER. I do not remember about Towne. I can not recollect that he spoke of Towne at all. But Farrell and Ramsey I remember, because they were men whose names I knew, and I knew who they were. But, as far as Towne is concerned, I can not remember.

The CHAIRMAN (reading):

And that he gave his opinion that he thought they would.

That is, Mr. Regan gave that opinion to Shields?

Mr. SOUTHER. Yes, sir.

The CHAIRMAN. Did he say that?

Mr. SOUTHER. Shields wanted to know whether they would stay hitched.

The CHAIRMAN. He said that, did he?

Mr. SOUTHER. Yes; certainly he did.

The CHAIRMAN. That is, Mr. Regan said that?

Mr. SOUTHER. Yes, sir.

The CHAIRMAN (reading):

It was then agreed that Mr. Shields would notify Mr. Regan when he was ready to go to Madison.

Did Regan say that?

Mr. SOUTHER. I do not remember.

The CHAIRMAN. That Shields was to notify him?

Mr. SOUTHER. No; I do not remember about that.

The CHAIRMAN. I will proceed (reading):

Mr. Regan said that it would not do for him to go to Madison, as everybody knew him there.

Did he recite that as a part of the conversation?

Mr. SOUTHER. I do not remember whether he did or not.

The CHAIRMAN (reading):

Shields assured him that he would be kept out of sight.

Did he tell you that?

Mr. SOUTHER. No; but I know that Mr. Regan did go away in order to be away. He told me that he went down to Waukegan.

The CHAIRMAN. Then he goes on to say:

He repeated this same story as told to Mr. Souther and myself—

That refers to the conversation between Harry W. Wood and Mr. Regan, in which you are not alleged to have taken part.

Mr. SOUTHER. Yes.

The CHAIRMAN. That is all.

Senator POMERENE. Do I understand you correctly as saying that Mr. Regan stated that he had gone to Waupun and had talked with a lawyer by the name of Ryan?

Mr. SOUTHER. To Waukesha.

Senator POMERENE. Oh, to Waukesha?

Mr. SOUTHER. Yes.

Senator POMERENE. And that he had talked to a lawyer by the name of Ryan?

Mr. SOUTHER. Yes, sir.

Senator POMERENE. And that Ryan had told Mr. Regan to have nothing to do with it?

Mr. SOUTHER. Yes.

Senator POMERENE. That occurred in your office in the presence of Mr. Wood, did it?

Mr. SOUTHER. Yes, sir.

Senator POMERENE. Do you recall anything else that was said there by Mr. Regan on this subject?

Mr. SOUTHER. No.

Senator POMERENE. Or by you to him?

Mr. SOUTHER. No; just general conversation—that is all. That was the gist of the conversation there.

Senator POMERENE. Did you talk with Regan about this afterwards?

Mr. SOUTHER. Yes; I did.

Senator POMERENE. Before going to that, let me ask you this: Did Mr. Wood go up to Waupun?

Mr. SOUTHER. He went up there twice. I think he went twice.

Senator POMERENE. Was that after this conversation at the Merrill Building?

Mr. SOUTHER. Yes.

Senator POMERENE. And did he come back and make a report to you?

Mr. SOUTHER. Yes.

Senator POMERENE. And after Wood came back and made a report to you, did you talk with Regan again about it?

Mr. SOUTHER. Oh, yes. We talked at different times on this matter, but just a word now and then.

Senator POMERENE. Did you say anything to Regan about what Wood had reported to you?

Mr. SOUTHER. I think Wood himself told him, you know.

Senator POMERENE. Just answer my question, and then we will go to something else. Did you tell Regan what Wood had reported to you?

Mr. SOUTHER. No; I did not.

Senator POMERENE. When you had this talk with Mr. Regan after the conversation which has been detailed here, what did you say to him, or he to you, on this subject?

Mr. SOUTHER. That as far as I knew, we could not get any evidence out of Wagner; we could not get anything from Wagner that was really to the point.

Senator POMERENE. Did Regan tell you that he had a second telegram from Shields?

Mr. SOUTHER. Yes.

Senator POMERENE. And did he tell you what was in that telegram?

Mr. SOUTHER. Why, he told me that first he had a telegram that he would be on here; then he had a telegram for an appointment to meet him at the Pfister Hotel. That is the way I understood it. That is the impression I got from what he said.

Senator POMERENE. In any event, you remember that there were two telegrams?

Mr. SOUTHER. Yes, sir; at least he stated that there were.

Senator POMERENE. Are you able to give any more nearly than you have the substance of either of these telegrams, if he gave it to you?

Mr. SOUTHER. No; I can not say.

Senator POMERENE. Did you ever see either of these telegrams?

Mr. SOUTHER. No; I did not.

Senator POMERENE. I think that is all I care to inquire.

Mr. LITTLEFIELD. Did you ever have any conversation with Mr. Regan in the presence of Mr. Wood, except this one you have now related?

Mr. SOUTHER. Why, yes; but not on this matter.

Mr. LITTLEFIELD. That is what I meant, on this matter. Was the conversation that you had with Mr. Wood in the presence of Mr. Regan on another matter before or after this one that you have testified to?

Mr. SOUTHER. I will tell you. We met several times in the Plankinton House, and met on the street, etc.

Mr. LITTLEFIELD. Who? You and Mr. Wood and Mr. Regan?

Mr. SOUTHER. We happened to meet Mr. Regan one time in the Plankinton House, and stood there and conversed with him a few minutes. I can not tell you what we talked about, now. That was all.

Mr. LITTLEFIELD. It was not this subject, was it; or was it?

Mr. SOUTHER. No; it was not this subject.

Mr. LITTLEFIELD. It did not relate to Wagner?

Mr. SOUTHER. No; not at all.

Mr. LITTLEFIELD. And it did not relate to the Stephenson election?

Mr. SOUTHER. No; not that I remember.

Mr. LITTLEFIELD. As I understand you, then, you never had any talk with Regan in the presence of Wood relative to Wagner, or to the Stephenson election, except this one that you have testified to?

Mr. SOUTHER. We might have spoken about some part of it; but I do not remember whether we did or not.

Mr. LITTLEFIELD. You have no present recollection of any conversation that related to this matter—that is, the Wagner and the Stephenson matter—except the one you have testified to?

Mr. SOUTHER. Only as it came in casual conversation; that is all.

Mr. LITTLEFIELD. You do not recollect any where it came in as casual conversation?

Mr. SOUTHER. No; I do not.

Mr. LITTLEFIELD. So that your present recollection is that you only had one?

Mr. SOUTHER. Yes.

Mr. LITTLEFIELD. Did Mr. Regan tell you in that conversation where the first telegram came from?

Mr. SOUTHER. My recollection is that he said he had a message from Washington.

Mr. LITTLEFIELD. Did he tell you where the second telegram came from?

Mr. SOUTHER. No; he did not tell me where it came from.

Mr. LITTLEFIELD. Was anything said in that conversation as to where the second telegram came from?

Mr. SOUTHER. No. I was under the impression that it came from Washington.

Mr. LITTLEFIELD. From Washington?

Mr. SOUTHER. Yes; I was under that impression.

Mr. LITTLEFIELD. Your recollection of the conversation is that both telegrams came from Washington?

Mr. SOUTHER. There was nothing stated about the second at all. The first one, he said, came from Washington.

Mr. LITTLEFIELD. But your recollection is that both came from Washington?

Mr. SOUTHER. That was my impression.

Mr. LITTLEFIELD. Yes. Did Mr. Regan say that he had the telegrams?

Mr. SOUTHER. Yes; he said he had them in a safe place.

Mr. LITTLEFIELD. Did he say where?

Mr. SOUTHER. No; he did not tell me where he had them.

Mr. LITTLEFIELD. Did either you or Mr. Wood ask him for the telegrams?

Mr. SOUTHER. I never asked him for them.

Mr. LITTLEFIELD. Did Mr. Wood ask him for the telegrams in your presence?

Mr. SOUTHER. Not that I have any recollection of.

Mr. LITTLEFIELD. You say Regan said he had them in a safe place. Did you ask him where the safe place was?

Senator POMERENE. He did not answer that question, Mr. Littlefield. What did you say in answer to Mr. Littlefield's question?

Mr. LITTLEFIELD. You say Mr. Regan said he had the telegrams in a safe place? That is right; is it?

Mr. SOUTHER. Yes.

Mr. LITTLEFIELD. He so stated, did he?

Mr. SOUTHER. Yes.

Mr. LITTLEFIELD. That he had them in a safe place. Did you ask him where the safe place was?

Mr. SOUTHER. No. It was none of my business.

Mr. LITTLEFIELD. Did Mr. Wood ask him where the safe place was?

Mr. SOUTHER. Not that I know of.

Mr. LITTLEFIELD. Did Mr. Wood ask him how the telegrams read?

Mr. SOUTHER. What time are you talking about?

Mr. LITTLEFIELD. I am talking about the only time you ever heard him talk about the telegrams in the presence of Mr. Wood. That is the time I am talking about. What time are you talking about?

Mr. SOUTHER. I never heard Wood ask him any of those questions.

Mr. LITTLEFIELD. And you did not ask him any of those questions?

Mr. SOUTHER. I never asked him where he had his telegrams.

Mr. LITTLEFIELD. And you did not ask him how the telegrams read?

Mr. SOUTHER. No, sir.

Mr. LITTLEFIELD. Did he tell you what was going to be done with Mr. Farrell and Mr. Ramsey?

Mr. SOUTHER. How? In what way do you mean?

Mr. LITTLEFIELD. In any way. You say Ramsey's and Farrell's names were mentioned in the conversation.

Mr. SOUTHER. No; he did not tell me what was going to be done with them.

Mr. LITTLEFIELD. He did not tell you what they expected to do with Farrell and Ramsey? Do you say that?

Mr. SOUTHER. Who? Who do you mean?

Mr. LITTLEFIELD. Shields. Did Mr. Regan tell you what Mr. Shields expected to do with Farrell and Ramsey?

Mr. SOUTHER. Oh, no; he did not tell me what he expected to do.

Mr. LITTLEFIELD. He did not?

Mr. SOUTHER. Oh, no.

Mr. LITTLEFIELD. Nothing was said about what was to be done with them in any way?

Mr. SOUTHER. No, sir.

Mr. LITTLEFIELD. Are you sure about that?

Mr. SOUTHER. I do not remember anything of the kind.

Mr. LITTLEFIELD. That is, your recollection is as distinct about that as it is about any other part of the conversation?

Mr. SOUTHER. Not so you would notice it, it is not, because that was something that we did not enter into very strongly.

Mr. LITTLEFIELD. How long a period were you there together talking over this matter?

Senator POMERENE. In the office?

Mr. LITTLEFIELD. Yes; in your office. How long were you and Mr. Regan and Mr. Wood together, talking about this matter?

Mr. SOUTHER. Probably three-quarters of an hour; something like that.

Mr. LITTLEFIELD. Were you discussing the Wagner matter and the Shields matter all that time?

Mr. SOUTHER. That is what we went there for.

Mr. LITTLEFIELD. Were you discussing that matter all that time?

Mr. SOUTHER. I think we were.

Mr. LITTLEFIELD. Have you stated everything that you can remember that took place during that three-quarters of an hour?

Mr. SOUTHER. Yes, sir.

Mr. LITTLEFIELD. You have stated all the conversation that you can recollect?

Mr. SOUTHER. Yes, sir.

Mr. LITTLEFIELD. Did you take any part in it?

Mr. SOUTHER. Yes, sir.

Mr. LITTLEFIELD. What did you say?

Mr. SOUTHER. Why, I entered into the conversation. I can not tell you what I said. I entered into the general conversation on the subject with the two gentlemen there.

Mr. LITTLEFIELD. Be kind enough to refresh your recollection, Mr. Souther, and tell us, according to your best recollection, what, if anything, you said during any part of the conversation—the whole three-quarters of an hour.

Mr. SOUTHER. I can not tell you what I said. Mr. Regan did most of the talking.

Mr. LITTLEFIELD. Did Mr. Wood say anything?

Mr. SOUTHER. I can not remember what each individual said there. I absolutely can not.

Mr. LITTLEFIELD. Do you recollect whether Mr. Wood said anything during the whole three-quarters of an hour?

Mr. SOUTHER. Why, certainly. We sat there and talked this matter over.

Mr. LITTLEFIELD. To be sure; and I want, if I can, to get your recollection as to what you said. Do you say now that you can not remember anything that you said, and that you can not remember anything that Wood said? Is that right?

Mr. SOUTHER. Why, we talked over the situation regarding the pulling of Mr. Regan into this affair. I sympathized with him, and the general conversation went on upon that subject. I can not tell you just what I said or what Mr. Regan said, outside of those cardinal points, in that conversation. There was general conversation on the subject.

Mr. LITTLEFIELD. Can you tell me anything that you said in relation to those cardinal points?

Mr. SOUTHER. No, sir; I can not.

Mr. LITTLEFIELD. Can you tell me anything that Mr. Wood said in relation to those cardinal points?

Mr. SOUTHER. No, sir.

Mr. LITTLEFIELD. Can you tell me anything that Mr. Regan said in relation to those cardinal points?

Mr. SOUTHER. Simply as I have stated here what he did say.

Mr. LITTLEFIELD. State it again.

Mr. SOUTHER. That he received telegrams from a man by the name of Robert Shields, and he met Shields by appointment at the Pfister Hotel, and that Shields told him that he was given carte blanche to elect Senator Stephenson—unlimited money; it did not make any difference what it took. That was the gist of what was said.

Mr. LITTLEFIELD. Was that all? Is that all you remember?

Mr. SOUTHER. He mentioned the names of these two men—Ramsey and Farrell.

Mr. LITTLEFIELD. What did he say when he mentioned the names of those two men? What did he say about them, if you remember?

Mr. SOUTHER. Whether they would stay hitched or not. Mr. Regan said—well, I can not tell just exactly the words he used.

Mr. LITTLEFIELD. Tell us the substance of it.

Mr. SOUTHER. That they would have to find out—practically find out whether they would stay hitched or not.

Mr. LITTLEFIELD. He did not express the opinion that they would stay hitched, but said they would have to find out? Is that it?

Mr. SOUTHER. That is the way I understood.

Mr. LITTLEFIELD. The way you understood it was that they would have to find out whether they would stay hitched or not? Is that right?

Mr. SOUTHER. Yes. There is no man who knows what another will do.

Mr. LITTLEFIELD. Then Mr. Regan did not say that they would stay hitched?

Mr. SOUTHER. No.

Mr. LITTLEFIELD. But he said he would have to find out whether they would stay hitched or not? That is the way you remember it?

Mr. SOUTHER. Maybe not just in those words; but that was the impression.

Mr. LITTLEFIELD. That in substance?

Mr. SOUTHER. Yes.

Mr. LITTLEFIELD. Do you know whether Mr. Wood knew Mr. Regan before he met him in your office on this occasion?

Mr. SOUTHER. I introduced Mr. Regan and Mr. Wood.

Mr. LITTLEFIELD. At that time?

Mr. SOUTHER. Yes, sir.

Mr. LITTLEFIELD. Do you know why Mr. Regan came to your office?

Mr. SOUTHER. He came there to meet Mr. Wood.

Mr. LITTLEFIELD. Had you and Mr. Wood discussed this question of Mr. Wood's going to Waupun before you had Mr. Regan come to the office?

Mr. SOUTHER. Yes. I had told Mr. Regan that probably Mr. Wood could get more information from Mr. Wagner than any other man, and that was why he came there. That was why the appointment was made.

Mr. LITTLEFIELD. Because Mr. Wood could get more information from Wagner than any other man?

Mr. SOUTHER. Yes.

Mr. LITTLEFIELD. That was the real object of the appointment?

Mr. SOUTHER. Yes, sir.

Mr. LITTLEFIELD. Is it not a fact that Mr. Regan was invited up there to see whether or not he would advance the railroad fares to Mr. Wood to enable him to go to Waupun to see Wagner?

Mr. SOUTHER. Oh, no, no.

Mr. LITTLEFIELD. There was not anything said about that?

Mr. SOUTHER. Why, I think Wood told about how much it would cost. I do not know that there was—

Mr. LITTLEFIELD. Will you say that Mr. Wood, in your presence, did not ask Mr. Regan to advance the money necessary to pay his expenses to go up to Waupun?

Mr. SOUTHER. I can not remember whether he asked him.

Mr. LITTLEFIELD. Stop and reflect a little. Refresh your recollection, and see if you are prepared to swear that Mr. Wood did not in your presence ask Mr. Regan if he would advance the money to pay his expenses to make the trip to Waupun to interview Wagner?

Mr. SOUTHER. I do not remember whether he did or not.

Mr. LITTLEFIELD. Will you say he did not?

Mr. SOUTHER. No; I will not say he did not, because I do not remember whether he did or not.

Mr. LITTLEFIELD. Having suggested that to you, and having refreshed your recollection, are you prepared to say that the reason for

Inviting Mr. Regan to your office was not to see whether he would advance the expenses of Mr. Wood in going to Waupun to see Wagner?

MR. SOUTHER. No; I have no such idea in my mind at all.

MR. LITTLEFIELD. Have you discussed this matter since with Mr. Regan?

MR. SOUTHER. I have met Mr. Regan a good many times.

MR. LITTLEFIELD. Have you discussed this matter with him since?

MR. SOUTHER. Not that phase of it; no.

THE CHAIRMAN. The witness was proceeding to answer that question. Give him a chance to answer.

MR. SOUTHER. Not just that phase of it at all; not specially at all; just as one man would meet another and discuss a misfortune that happened to him.

MR. LITTLEFIELD. Yes. Has Mr. Regan ever repeated to you since that time the same conversation that he made in the office in the presence of Mr. Wood?

MR. SOUTHER. Oh, not in full; no.

MR. LITTLEFIELD. Was anything said during that conversation about Mr. Regan's having lost any telegrams, and believing that somebody had stolen them from his house?

MR. SOUTHER. No, sir.

MR. LITTLEFIELD. Did you ever hear anything about that?

MR. SOUTHER. I did not; not until here a little while ago, and I can not tell how I heard about it, either.

MR. LITTLEFIELD. You did hear about that a little while ago? Now, refresh your recollection and state whether—

MR. SOUTHER. I was told, let me see—I was told that Wagner took those telegrams from—now, I can not tell whether that was Mr. Regan that said something about it, or somebody else; but that is my recollection. I was told that.

MR. LITTLEFIELD. Did not Mr. Regan at this conversation refer to some telegrams and claim that they had been stolen from his house?

MR. SOUTHER. No.

SENATOR POMERENE. Where is this conversation supposed to have occurred?

MR. LITTLEFIELD. It is the only conversation that took place in the presence of Wood. That is the one I am referring to. I mean, now, the conversation that occurred in the presence of Wood.

SENATOR POMERENE. There may be some confusion here. You had asked him whether he had talked this matter over later with Mr. Regan.

MR. LITTLEFIELD. Yes; that is true. There may be.

SENATOR POMERENE. Just so that we understand one another; it is all right.

MR. LITTLEFIELD. Yes; the conversation that I refer to is the conversation that took place in the presence of Mr. Wood. I am asking you whether or not there occurred at that time any discussion of telegrams that Mr. Regan had received which he claimed had been stolen?

MR. SOUTHER. No; I knew nothing about that.

MR. LITTLEFIELD. You never heard anything about that until a long time after?

MR. SOUTHER. No; until a long time after I never heard anything about it. In fact, I supposed that Mr. Regan had those telegrams himself. He told me that they were in a safe place.

Mr. LITTLEFIELD. Yes; I know that is what you have said. You were not able to get from Mr. Wagner any information of any value that enabled you to find out who was behind him?

Mr. SOUTHER. No.

Mr. LITTLEFIELD. Or that was of any use in throwing any light on the situation?

Mr. SOUTHER. No.

Senator POMERENE. Are you referring to any efforts that he made individually, or through someone else?

Mr. LITTLEFIELD. No; through Mr. Wood. Mr. Wood, as I understood, visited Mr. Wagner at Waupun and later reported the results of his visit to you. Am I right about that?

Mr. SOUTHER. Yes.

Mr. LITTLEFIELD. How many trips did he make?

Mr. SOUTHER. I think he made two.

Mr. LITTLEFIELD. Did you know about Mr. Wood making several efforts to be retained by the parties interested on either side of this controversy?

Mr. SOUTHER. No; I did not know anything about that.

Mr. LITTLEFIELD. Did you know about his making an effort to be retained by Mr. Kittle and Mr. Crownhart?

Mr. SOUTHER. No.

Mr. LITTLEFIELD. You did not know anything about that?

Mr. SOUTHER. I knew nothing at all about that.

Mr. LITTLEFIELD. You knew nothing about his making an effort to be retained by Mr. Black in the interest of Senator Stephenson?

Mr. SOUTHER. No.

Mr. LITTLEFIELD. Have you had any conversation lately with Mr. Wood about this?

Mr. SOUTHER. Nothing particularly. I met him to-day on Grand Avenue for about three minutes, and he told me that probably they would send for me; that there would be somebody around after me to come up here. I met him another day in a restaurant.

Mr. LITTLEFIELD. How long ago?

Mr. SOUTHER. Oh, a week ago I ran across him in a restaurant.

Mr. LITTLEFIELD. Did you take dinner together?

Mr. SOUTHER. Yes.

Mr. LITTLEFIELD. Did you discuss this case?

Mr. SOUTHER. Not particularly, only that he said he thought that he would be called, and probably I would.

Mr. LITTLEFIELD. Did you go over any of the details?

Mr. SOUTHER. Maybe 10 days ago.

Mr. LITTLEFIELD. It does not make any difference—10 days or 3 or 4 days.

Mr. SOUTHER. I do not know just how many days.

Mr. LITTLEFIELD. It does not matter about that; but within the last 10 days you took dinner with Mr. Wood?

Mr. SOUTHER. Yes.

Mr. LITTLEFIELD. By appointment?

Mr. SOUTHER. Yes. I guess he telephoned to me and wanted to know if he could see me. I think he telephoned to the house, asking if I was going to be down. I told him no, and I said to him: "If you want to see me, I take dinner at a certain place," and he met me there.

Mr. LITTLEFIELD. As a result of that you dined together?

Mr. SOUTHER. Yes.

Mr. LITTLEFIELD. And during the progress of that dinner did you discuss the details of this testimony that you have given and that he has given?

Mr. SOUTHER. Yes.

Mr. LITTLEFIELD. Did he state to you what he was going to state?

Mr. SOUTHER. He asked me what I thought about several things, and—I can not tell you just——

Mr. LITTLEFIELD. What did he ask you?

Mr. SOUTHER. What I thought about the testimony as it went on.

Mr. LITTLEFIELD. What did he ask you? State what he asked you, or else state that you do not remember it. It was only 10 days ago. State what he asked you.

Mr. SOUTHER. Well, let me see, what did he ask me? He asked me if I would come up here and testify, if I was coming, and what I was going to do.

Mr. LITTLEFIELD. What did you say?

Mr. SOUTHER. I said I was going to tell the truth; it was so simple.

Mr. LITTLEFIELD. Was that all that was said?

Mr. SOUTHER. I told him I would absolutely tell the truth in the matter, and that is all the interest I had in it.

Mr. LITTLEFIELD. Was that all that was said?

Mr. SOUTHER. No; that was not all that was said. He told me that he did not know what Mr. Regan's stand would be in this.

Mr. LITTLEFIELD. Yes. Go right along, now.

Mr. SOUTHER. And I asked him to see Mr. Regan and tell him what my stand was in it.

Mr. LITTLEFIELD. I see.

Mr. SOUTHER. That was the gist of the conversation.

Mr. LITTLEFIELD. Then what did he say?

Mr. SOUTHER. He said all right, he would.

Mr. LITTLEFIELD. He said he would see Mr. Regan?

Mr. SOUTHER. Yes.

Mr. LITTLEFIELD. And tell him what your stand would be?

Mr. SOUTHER. Yes.

Mr. LITTLEFIELD. Was anything said between you as to how you recollected it?

Mr. SOUTHER. Yes, sir.

Mr. LITTLEFIELD. What was it?

Mr. SOUTHER. Just what I have said. He asked me right there; he said, "What took place there?" And I told him.

Mr. LITTLEFIELD. What did you tell him took place?

Mr. SOUTHER. What I have stated here.

Mr. LITTLEFIELD. State it again. State, now, what you told Wood 10 days ago took place. I want now the language that you used when you talked with Wood about 10 days ago when you were eating dinner, when he asked you what took place and you told him. Now state to us what you said to him.

Mr. SOUTHER. He asked me what my statement would be here and I told him that my statement would be that these telegrams were received. Robert Shields was the name that was given me by Mr. Regan. And, as a matter of fact, I have got a little book at the house that I put that name right down in.

Mr. LITTLEFIELD. You have got it at the house?

Mr. SOUTHER. Yes, sir.

Mr. LITTLEFIELD. Will you bring it with you?

Mr. SOUTHER. I will bring it down here if I can find it. It is a little pocketbook. I had a little book here, and I did not want to forget that name of Robert Shields.

Mr. LITTLEFIELD. I will suspend the cross-examination until the book is produced.

The CHAIRMAN. No; I think not. The witness can produce it later and the matter can be passed over for the present.

Mr. SOUTHER. I am not sure that I can find it; but I think it is there.

The CHAIRMAN. Just a moment. The reporter can take only one at a time.

Mr. LITTLEFIELD. Yes.

The CHAIRMAN. The witness says he wrote the name of Robert J. Shields in a book in order that he might remember the name. That is not a very large incident, and the witness can bring in the book after he has been examined on other questions.

Mr. SOUTHER. If I can find it I will.

Mr. LITTLEFIELD. Did you write down the name of Ramsey?

Mr. SOUTHER. No.

Mr. LITTLEFIELD. Did you write down the name of Farrell?

Mr. SOUTHER. No.

Mr. LITTLEFIELD. Did you write down the name of Towne?

Mr. SOUTHER. No.

Mr. LITTLEFIELD. Did you write down the name of Ryan?

Mr. SOUTHER. No. I did not need to, because I knew these men's names.

Mr. LITTLEFIELD. You knew Ryan?

Mr. SOUTHER. I knew who he was.

Mr. LITTLEFIELD. What is Ryan's given name?

Mr. SOUTHER. I did not know what his given name was—Tim Ryan, it seems to me; but I would not be positive.

Mr. LITTLEFIELD. He is dead; is he not?

Mr. SOUTHER. Yes, I think he is.

Senator POMERENE. You are speaking of the attorney?

Mr. LITTLEFIELD. Yes. He is dead. (To Mr. Souther:) Now, finish up the statement you made to Mr. Wood about a week ago, in the restaurant, when you were dining with him and you told him what you were going to state. We broke in there when you said you wrote down the name of Shields. Just finish your answer, please. You had gotten along to where you made the statement in relation to Shields and then you broke off, and suggested that you had Shields's name on your book.

Mr. SOUTHER. Yes. I just wrote that name down, "Robert Shields." I did not know his initial, as Mr. Regan just said "Robert Shields." Then I wrote, if I recollect right, he said that he was up to Heineman, and I wrote that name down.

Mr. LITTLEFIELD. Did you do that right in the office when the conversation took place?

Mr. SOUTHER. Just after it.

Mr. LITTLEFIELD. After the conversation was concluded?

Mr. SOUTHER. Yes, sir.

Mr. LITTLEFIELD. And the parties went out?

Mr. SOUTHER. Yes, sir.

Mr. LITTLEFIELD. Now finish stating what you said to Mr. Wood about 10 days ago when you were dining with him, when you told him what you were going to state?

Mr. SOUTHER. This part I did not say to Wood at all.

Mr. LITTLEFIELD. Yes; I understand that. You were simply explaining just what you did at the time.

Mr. SOUTHER. Yes.

Mr. LITTLEFIELD. You did not state this to Wood. But just finish, now, what you did state to Wood about 10 days ago when you talked with him in the restaurant.

Mr. SOUTHER. My recollection would be that Mr. Regan told me that he had these telegrams and that he met the man and the statement of the man was that he had unlimited money or *carte blanche* to go ahead and elect Mr. Stephenson, because he must be elected. "*Carte blanche*" are the very words that he used.

Mr. LITTLEFIELD. And is that all?

Mr. SOUTHER. I spoke about this Ramsey and Farrell business, and he spoke about Towne; and I told him I did not recollect anything about Towne's name being in it at all, but Ramsey's and Farrell's names were mentioned.

Mr. LITTLEFIELD. Did he tell you what he was going to state?

Mr. SOUTHER. Do you mean Wood?

Mr. LITTLEFIELD. Yes.

Mr. SOUTHER. He said, "Well, that is all that either one of us can say." That was all there was to it.

Mr. LITTLEFIELD. That is, he agreed with your statement?

Mr. SOUTHER. Yes. That was all there was to it.

Mr. LITTLEFIELD. He said that he was expecting to be called as a witness?

Mr. SOUTHER. Yes.

Mr. LITTLEFIELD. Did he tell you why he was expecting to be called?

Mr. SOUTHER. No; he did not tell me why.

Mr. LITTLEFIELD. Did Wood at any time in conversation with you suggest that this matter be kept between yourselves; that if it was kept quiet he might get well paid for the information?

Mr. SOUTHER. No. No, not that way at all.

Mr. LITTLEFIELD. In what way did he put it?

Senator POMERENE. Wood, do you mean?

Mr. LITTLEFIELD. Yes.

Mr. SOUTHER. He said his business was—not just at that time. I do not think he was doing any work at all.

Mr. LITTLEFIELD. At any time?

Mr. SOUTHER. His business was detective work, and that if he did any work he ought to be paid for it.

Mr. LITTLEFIELD. Did he not at any time state to you this, in substance: That this information that he and you had might prove of value to him, and he did not want to give it up unless he got his pay for it? In substance, did he not say that?

Mr. SOUTHER. No; he never intimated that to me at all.

Mr. LITTLEFIELD. What did he say in relation to that, about the information being valuable?

Mr. SOUTHER. He said if he did any work that he ought to be paid for it.

The CHAIRMAN. In that was he referring to this Wagner matter?

Mr. SOUTHER. Not as far as it had gone then; but if he spent his time in trying to help Mr. Regan find who was back of this thing, if there was anybody, that he should get paid for it.

Mr. LITTLEFIELD. Did he not at any time say to you, in substance, that the information that he and you had was valuable and that he did not want to give it up unless he got his pay for it?

Mr. SOUTHER. No.

Mr. LITTLEFIELD. Did he not, in substance, say that?

Mr. SOUTHER. No. He would not talk that way to me.

Mr. LITTLEFIELD. I do not ask you what he would do. I am asking you what he did do.

Mr. SOUTHER. He did not say anything of that kind.

Mr. LITTLEFIELD. Did he at any time caution you to keep the matter quiet?

Mr. SOUTHER. Only inasmuch as it would affect Mr. Regan.

Mr. LITTLEFIELD. Did he at any time caution you to keep the matter quiet?

Mr. SOUTHER. For the reason that I am stating.

Mr. LITTLEFIELD. I am not asking you about the reason. Did he at any time caution you to keep the matter quiet?

Mr. SOUTHER. Yes.

Mr. LITTLEFIELD. When was that?

Mr. SOUTHER. I can not tell you. I do not remember.

Mr. LITTLEFIELD. Was it after you had the conversation with Regan, in the presence of Wood, that Wood cautioned you to keep the matter quiet?

Mr. SOUTHER. Yes. Certainly it was after that.

Mr. LITTLEFIELD. How many times did he caution you to keep the matter quiet?

Mr. SOUTHER. I do not think he ever said anything to me, only once, about it.

Mr. LITTLEFIELD. How long was that after you had the talk with Mr. Regan in the presence of Wood?

Mr. SOUTHER. It was quite a while.

Mr. LITTLEFIELD. Was it months?

Mr. SOUTHER. No; two or three weeks; something like that.

Mr. LITTLEFIELD. It was shortly after?

Mr. SOUTHER. Yes.

Mr. LITTLEFIELD. And you say the reason he gave was that he did not want to injure Regan? Was that it?

Mr. SOUTHER. He did not want anybody to know that there was anybody looking up this thing at all.

Mr. LITTLEFIELD. Who? Wood did not want anybody to know?

Mr. SOUTHER. No. He did not want anybody to know. He did not want any leaks there.

Mr. LITTLEFIELD. Was Wood looking it up?

Mr. SOUTHER. Only inasmuch as he was a friend of Frank Wagner's, understand.

Mr. LITTLEFIELD. Was he looking it up? Was he doing any detective work on it?

Mr. SOUTHER. No; not specially.

Mr. LITTLEFIELD. You say "not specially." Was he doing any at all, so far as you know?

Mr. SOUTHER. I do not know what he might have done.

Mr. LITTLEFIELD. That is what I am asking you—as far as you know.

Mr. SOUTHER. No; I do not know what he might have done.

Mr. LITTLEFIELD. As far as you know, he was not doing anything? Is that right?

Mr. SOUTHER. I do not know that he was going out specially on this thing at all.

Mr. LITTLEFIELD. If you were in the possession of information that tended to throw any light upon the situation and to develop the truth, did you feel under any obligation to disclose it to the authorities or did you not? You have held it nearly two years. Did you, as a citizen of the State of Wisconsin, feel under any such obligation?

Mr. SOUTHER. I certainly did.

Mr. LITTLEFIELD. Did you disclose it to the authorities?

Mr. SOUTHER. No, sir; I did not.

Mr. LITTLEFIELD. Why did you not, instead of holding it for more than two years?

Mr. SOUTHER. I was just naturally waiting to see what the outcome of this thing would be; and I asked Mr. Regan several times to tell what he knew, and it was up to Mr. Regan.

Mr. LITTLEFIELD. In whose presence did you ask him?

Mr. SOUTHER. Nobody's presence. I met him on the street one day here, and told him that I thought it was the duty of any citizen to come right to the front and tell what he knew on this subject.

Mr. LITTLEFIELD. You knew what Mr. Regan knew. Why did you not come to the front and tell it?

Mr. SOUTHER. Who would I tell it to?

Mr. LITTLEFIELD. Do you know the prosecuting officers, or the authorities?

Mr. SOUTHER. Yes. What would be the use of going into this thing unless there was——

Mr. LITTLEFIELD. If you ask me what would be the use, I do not think there would be any use, as far as that is concerned. But that is another matter. Do you, a man of your age, mean to say you do not know enough about the matter of criminal prosecutions to know to whom you should communicate facts showing the commission of crime if they came to your knowledge? Do you say you do not know enough to know that?

Mr. SOUTHER. I do not know positively that there was any crime committed.

Mr. LITTLEFIELD. Do you, a man of your age, mean to say you do not know enough to know to whom to communicate important facts relating to an alleged crime?

Mr. SOUTHER. I could go to the district attorney.

Mr. LITTLEFIELD. You knew that; did you not?

Mr. SOUTHER. Yes.

Mr. LITTLEFIELD. Did you go?

Mr. SOUTHER. No, sir; I did not go.

Mr. LITTLEFIELD. That is all.

The CHAIRMAN. The committee would like to know to what crime the counsel refers? We want the record to show.

Mr. LITTLEFIELD. In the first place, the crime of perjury, committed by Wagner.

The CHAIRMAN. That matter was tried out in a court, and final judgment entered. He did not need to tell that.

Mr. LITTLEFIELD. True. In the second place, the alleged crime of bribing legislators.

The CHAIRMAN. To what facts does the counsel refer? I ask because this committee stands ready, if no one else has done it, to take that up now.

Mr. LITTLEFIELD. I refer to the intimation brought in here by this hearsay testimony.

The CHAIRMAN. But what crime is it directed against? I ask in order that we may pursue it.

Mr. LITTLEFIELD. The crime that I understand the witness to have disclosed is the allegation that Mr. Shields was present with a large sum of money for the purpose, practically, of purchasing the legislature.

The CHAIRMAN. I did not understand this witness to testify to that.

Mr. LITTLEFIELD. I understood him to say that Mr. Regan so stated.

Mr. SOUTHER. No.

The CHAIRMAN. I did not so understand him. But if the counsel can develop that fact, it is an important fact. If counsel can, by the examination of this or any witness, develop the fact that Mr. Shields did offer to bribe members of the legislature, or had received money for that purpose, this committee will be very ready to open up the question and inquire into it. Does the counsel understand that Mr. Shields did have money for the purpose of bribing members of the legislature to do or not to do anything?

Mr. LITTLEFIELD. No. Counsel understands right to the contrary. If the counsel correctly understands, this witness undertook to drag in here by hearsay testimony an intimation to that effect; and that is why the counsel is pursuing this cross-examination. If the statement that Mr. Regan made be true, and if the statement that this witness makes be true——

The CHAIRMAN. This witness is stating what another man said in his presence.

Mr. LITTLEFIELD. I know he is stating what another man said in his presence.

The CHAIRMAN. The counsel can cross-examine him on that.

Mr. LITTLEFIELD. I am simply probing his recollection as to what another man said.

The CHAIRMAN. But we think it would be well to avoid anything that would attempt to make a sensation in this matter. This witness has not attempted to testify as to his own knowledge in regard to it; only as to what another man told him.

Mr. LITTLEFIELD. That is true. But this witness is undertaking to state that Mr. Regan made some statements which, if followed up, might lay the foundation for a criminal prosecution; and I am asking the witness now——

The CHAIRMAN. It is not material to ask why the witness did not prosecute somebody.

Mr. LITTLEFIELD. I am simply asking the witness again why, with that knowledge in his possession, he did not communicate it to the authorities and have it investigated——

The CHAIRMAN. It is not material.

Mr. LITTLEFIELD (continuing). As bearing upon the question of whether or not he is telling the truth. I ask him why he kept it in his possession for about two years.

The CHAIRMAN. Mr. Reporter, will you read the last statement? I want to see whether the reporter is reporting what the chairman is saying, or what the counsel is saying.

(The reporter then read the foregoing as directed.)

The CHAIRMAN. It is more orderly to speak one at a time. Than we will know how the record reads.

Mr. LITTLEFIELD. It is a fact that you did not communicate to any prosecuting officer the alleged information that you now say you had for more than two years? That is the idea, is it?

The CHAIRMAN. Just a moment. The witness has answered that he did not communicate it to any person, or attempt to do so. In the interest of time and in the interest of the record, it is not worth while to encumber the record with oft-repeated questions after they have been answered.

Mr. LITTLEFIELD. After the discussion I simply wanted to make the matter certain; that is all. But if the chairman thinks it has been answered, I will not bother with it.

The CHAIRMAN. It has been answered.

Mr. LITTLEFIELD. That is all.

The CHAIRMAN. I desire to ask if you know a man named John D. McConicha?

Mr. SOUTHER. Yes, sir.

The CHAIRMAN. Who resides at 715 Grand Avenue, in this city?

Mr. SOUTHER. I do not know where he lives.

The CHAIRMAN. I ask you whether you know him?

Mr. SOUTHER. Yes.

The CHAIRMAN. Do you know whether or not he heard any of these conversations between Regan and you?

Mr. SOUTHER. No.

Mr. LITTLEFIELD. Will the chairman give me that full name?

The CHAIRMAN. It is spelled M-c-C-o-n-i-c-h-a in the memorandum I have—John D. McConicha. [To Mr. Souther:] Do you know whether he knew about Regan's statements to you?

Mr. SOUTHER. No; I do not. I do not think he did know anything about it. He did not to my knowledge.

The CHAIRMAN. That is all.

Mr. LITTLEFIELD. Will you bring in the book, please?

Mr. SOUTHER. Yes; if I can find it. I think it is there.

Mr. LITTLEFIELD. Come right back with it.

The CHAIRMAN. You can look for the book, and report to the committee whether or not you find it.

Mr. SOUTHER. I will bring it down to-morrow if I can find it. That will be all right, will it?

The CHAIRMAN. That will be all right.

Mr. SOUTHER. Thank you.

The CHAIRMAN. But bring it in not later than 2 o'clock to-morrow.

Mr. SOUTHER. I will bring it right here in the morning if I can find it. I think I can.

TESTIMONY OF M. J. REGAN.

M. J. REGAN, having been previously sworn, was examined and testified as follows:

The CHAIRMAN. You have been sworn in this case, Mr. Regan?

Mr. REGAN. Yes, sir.

The CHAIRMAN. I will state in that connection that I ask this question of the witnesses for the purpose of identifying in the record the witness on the stand. I know that you have been sworn. Where do you reside, Mr. Regan?

Mr. REGAN. In the city of Milwaukee.

The CHAIRMAN. How long have you resided there?

Mr. REGAN. It will be six years next March.

The CHAIRMAN. Where did you reside before coming to Milwaukee?

Mr. REGAN. I lived eight years at Madison, Wis.

The CHAIRMAN. And before that where did you live?

Mr. REGAN. At Eagle, in Waukesha County, and in Waukesha, Wis. I was in Waukesha 14 years, and was born in the town of Eagle, Waukesha County.

The CHAIRMAN. What is your age?

Mr. REGAN. I was born in 1848.

The CHAIRMAN. What positions, if any, have you held—that is, in the way of public office or by election or appointment?

Mr. REGAN. I was elected side supervisor of the town of Eagle when I was 21 years old. The next year I was elected town clerk, and held that office for two years. A year or two after that I was elected a member of the county board of Waukesha County, and I was elected chairman of the county board of the county of Waukesha. In 1883 I was elected a member of the Legislature of Wisconsin—

Mr. LITTLEFIELD. Which branch?

Mr. REGAN. The assembly. In 1888, I think, I was elected marshal of the village of Waukesha, and reelected the following spring. The next summer, in June or July, I think it was, in 1890, I was elected; no, 1889. The next summer, 1891, I was appointed superintendent of the State Industrial School for Boys, at Waukesha.

The CHAIRMAN. How long did you hold that position?

Mr. REGAN. Four years.

The CHAIRMAN. What office, if any, do you hold now?

Mr. REGAN. Not any. Not any since that.

The CHAIRMAN. What is your business, trade, or occupation?

Mr. REGAN. My business now is real estate.

The CHAIRMAN. Have you engaged in any other business?

Mr. REGAN. You mean in my lifetime?

The CHAIRMAN. Have you a trade or profession?

Mr. REGAN. No; not at this time. I have been in the general mercantile business for years, but not since I came to Milwaukee.

The CHAIRMAN. Do you know Harry W. Wood?

Mr. REGAN. I certainly do.

The CHAIRMAN. How long have you known him?

Mr. REGAN. I think my first acquaintance with Harry W. Wood—that is, the first time I had seen him—I knew him by reputation before I saw him; but the first time I saw him was, I think, in February or March, 1910.

The CHAIRMAN. Where did you see him?

Mr. REGAN. He came to my house.

The CHAIRMAN. Where did you then reside?

Mr. REGAN. I resided at 448 Marshall Street—not Cass Street; I never lived on Cass Street.

The CHAIRMAN. Where is Cass Street with reference to where you lived.

Mr. REGAN. I think Cass Street is a street or two this side of Marshall Street.

The CHAIRMAN. It is in that neighborhood, is it?

Mr. REGAN. Yes, sir.

The CHAIRMAN. What brought him to your house—what business?

Mr. REGAN. He came up there to see me about Frank Wagner, who had been sent to State's prison.

The CHAIRMAN. Can you give us the date of that, as nearly as possible?

Mr. REGAN. I would say it was in February, 1910.

Mr. LITTLEFIELD. A year ago last February?

Mr. REGAN. Yes, sir; or the fore part of March—one or the other of those months.

The CHAIRMAN. You did not see him in 1909 at all?

Mr. REGAN. Not that I remember of.

The CHAIRMAN. You have heard the testimony of Mr. Souther?

Mr. REGAN. Yes, sir.

The CHAIRMAN. He testifies, practically, that during the fall of 1909 you, Mr. Wood, and Mr. Souther met in Mr. Souther's office. Is Mr. Souther mistaken as to the date?

Mr. REGAN. That is not true. I did not meet him in Mr. Souther's office until the fore part of April, 1910, or the latter part of March.

The CHAIRMAN. Had you talked with Mr. Wood before you met him at Souther's office?

Mr. REGAN. Yes, sir.

The CHAIRMAN. Frequently?

Mr. REGAN. No, sir; just once, I think it was.

The CHAIRMAN. Had you talked with him about Frank Wagner?

Mr. REGAN. That is what he came to see me about.

The CHAIRMAN. At your house?

Mr. REGAN. Yes, sir.

The CHAIRMAN. How did you come to go to Mr. Souther's office?

Mr. REGAN. Wood told me at the first meeting that he thought, in fact he had evidence, that Mr. Wagner had been coaxed or coached into giving that testimony before the investigating committee, and that the fellows that were behind it were the ones that were really responsible for his telling that story, and that they coached him, and told him that after they had heard the story, this committee, three of them——

The CHAIRMAN. What committee?

Mr. REGAN. The senate investigating committee. He told me that they told him that if he would go on and tell that story as he had repeated it to them, after he had said to them after they had had him in a room two or three hours, "I have no corroborating evidence back of this story; you had better investigate it before you put me on the stand"——

The CHAIRMAN. That is, Wagner said that to this senate committee?

Mr. REGAN. Yes, sir. That they said to him, "You go on and give your testimony as you have stated it to us, and we will corroborate it by the best of evidence."

The CHAIRMAN. This is Wood's story to you?

Mr. REGAN. This is Wood's story to me. He claimed that he got that in some correspondence with Mr. Wagner. I said that I was working on that case, and that I knew that there were others behind that.

The CHAIRMAN. You said that to him?

Mr. REGAN. Yes, sir; that I had evidence of that.

The CHAIRMAN. Did you have evidence of it?

Mr. REGAN. I did.

The CHAIRMAN. Go on.

Mr. REGAN. And that is where he brings in this matter of my going to Waukesha to see Mr. Ryan; that Mr. Ryan was my attorney in looking up that evidence; that I wanted to get hold of these men that framed up that story and got Mr. Wagner to tell it, to prosecute them for libel, and I was working on that case. He said that he and Wagner had been together on a case at Waukesha. I knew well of that case, too, because Mr. Wagner came to me and wanted to get a letter to Mr. Ryan. I refused to give it. He said that they worked together, and that he knew that Wagner would tell him all he knew about that matter, and that if he could go up there and see him he could get it for me. "Well," I said, "I want that evidence, and if you can get that I want you to get it for me."

The CHAIRMAN. That is, you wanted evidence of the arrangement that the committee had made with Wagner to testify?

Mr. REGAN. That the committee and others had made.

The CHAIRMAN. Go ahead.

Mr. REGAN. Yes, sir; that is what I wanted. That is what I was working on and had worked on for nearly a year. He said if I would pay his expenses up there he would go up, and I said I would think the matter over. I said, "Who knows you here?" and he told me that Frank Souther knew him. I said I knew Frank Souther. I have known him for a long time. One day Mr. Souther came into the Plankinton House, and said he would like to have me walk up to his office. This was in the latter part of March or the first of April, 1910. I went up to that office, and Mr. Wood was there. What they got me to go up to that office for, and what I went there for, was to see what evidence Mr. Wood could get in relation to the fellows that were back of the frame up, that got Wagner to go onto the stand and testify to what he did. Mr. Wood went on and told me that he knew he could get that evidence from Wagner if he could go up there; that he had information that Wagner had got hold of two telegrams off from my desk, in my house. I then lived at 429 Jackson Street. I said, "I want to get hold of those telegrams. I want to know who stole them." "Well," he said, "I think he did."

Mr. LITTLEFIELD. He said what?

Mr. REGAN. He said, "I think Wagner did, because," he said, "I have some such information." I said, "How much do you want to go to Waupun?" He said, "Well, it would cost me about \$5." I gave him \$5. He went to Waupun. He had an interview—at least, he told me he had an interview—with Mr. Wagner, and he said he could not get much out of him; that he made a rambling kind of a "chop-suey" statement of some kind, but he could not get just—only that Wagner said, "I know I made a mistake in hitching Regan up to that." I think he did. I know he made a mistake. I said,

"Could you get anything definite out of him? Did he admit that he stole those telegrams?" "Well," he said, "he got those telegrams." I said, "Are you sure of it?" He said, "Yes, I know he got them." I said, "Did you see them?" He said, "No." "Well," I said, "I want to get hold of those telegrams. Find out who took them, who stole them." He said, "I think I will get them from him." After he had made a report to me of what he and Wagner talked over, he said he could not talk very well with Wagner, because the warden or the assistant warden had to hear all they said.

The CHAIRMAN. Wagner was then in jail?

Mr. REGAN. He was in State's prison. I said, "That isn't any good. You ain't got anything for me that I can take any stock in. I want something in writing from this man Wagner. You told me you would get it in writing and bring it back to me." "Well," he said, "I could not get it, because the assistant warden was there; but," he says, "I will write him." A short time after that he told me that he had written Wagner, and that he had got a letter from Wagner in Waupun giving a history of that frame up. I said I would like to see it. He brought it around to me. I think it was a 10 or 12 page letter. I said I would like to take it. I said, "When I get through with this, if you want it, you can have it." I went over that 10 or 12 page letter, and it was very difficult to find out what Wagner was trying to state. He would state one thing, and mix it up with several others. But in the letter he stated that J. L. O'Connor—

Senator POMERENE. Have you that letter?

Mr. REGAN. I can get it; yes, sir. It is in keeping.

The CHAIRMAN. That is, Wagner has it now?

Senator POMERENE. Let the letter be produced, then.

Mr. REGAN. The letter is right here.

(Mr. Littlefield handed the letter to the witness.)

The CHAIRMAN. Can you read it?

Mr. REGAN. I would hate to be put to the task of reading that letter. I can not read it very well [handing the letter to the chairman].

The CHAIRMAN. We will have it put in typewriting. I think that is the better way.

Mr. REGAN. I wish you would, because it is a peculiar lot of stuff.

The CHAIRMAN. This letter is not badly written.

Mr. REGAN. Before you get through you will find there is a great deal of mixture to it.

The CHAIRMAN. It can be read easily enough. You do not want to undertake to read this letter?

Mr. REGAN. I would not want to.

The CHAIRMAN. You identify it as the letter, do you?

Mr. REGAN. That is the letter Mr. Wood brought to me.

The CHAIRMAN. From Wagner?

Mr. REGAN. Yes.

The CHAIRMAN. You know Wagner's writing, do you?

Mr. REGAN. I was not very well acquainted with Wagner's writing; but I think it is his writing.

The CHAIRMAN. This letter is written in one hand and signed in another hand.

Mr. REGAN. That is the way it was brought to me.

The CHAIRMAN. I think we will investigate the letter a little bit. You may proceed.

Mr. REGAN. As I say, in that letter there were a number of things stated by him that I had evidence of before. The fact was that J. L. O'Connor had coached this man Wagner, and had gone to Madison with him the day he testified before the committee; that the committee knew him before they met him—that is, when he went he did not have to be introduced; and that J. L. O'Connor had told him that he had a photograph, a flash photograph, of the fellows that lined up that deal in the Plankinton House.

The CHAIRMAN. The Plankinton Hotel, you mean?

Mr. REGAN. The Plankinton Hotel; yes, sir. I knew that, because Mr. O'Connor had said to me in his partner's office, Adolph Schmitz, along in April, before Mr. Wagner had gone on to the stand, that he had a photograph of the fellows that lined up that deal in the Plankinton Hotel. I said to Mr. O'Connor, "You are talking through your hat. You haven't any such photograph." He says, "I have." "Why," I said, "if you fellows had any such photograph as that you would have had it in all the papers in this country in 24 hours." Mr. O'Connor went to Madison and told this same story, that he had this photograph; and Mr. Miner, who was an attorney—a partner of Mr. Elmer P. Elver, of Madison—told me that they paid the expenses of a man to come down from Madison to see O'Connor and see that photograph. I said, "Did you see it?" He said, "No, I couldn't see it."

When the case of Wagner came on, I telephoned to the district attorney of Dane County and asked him to have O'Connor subpoenaed. He said: "What does he know about it?" I said: "He claims to have a photograph of the fellows that lined up that day in the Plankinton Hotel. If he has that photograph, that is the best evidence on earth; and if I am amongst that crowd, I want to see myself there." He said: "No; I will not subpoena O'Connor." He refused to do this.

The CHAIRMAN. Who was the district attorney who refused to subpoena O'Connor?

Mr. REGAN. The district attorney of Dane County.

The CHAIRMAN. What is his name?

Mr. REGAN. Vroman Mason.

The CHAIRMAN. How is that spelled? V-r-o-m-a-n M-a-s-o-n?

Mr. REGAN. Yes.

The CHAIRMAN. That is the man that signed the telegram giving information as to the dates of Wagner's arrest, trial, and conviction. Is he the present district attorney?

Mr. REGAN. Not now; no, sir. Mr. Nelson is the present district attorney.

The CHAIRMAN. All right. I merely wanted to identify the man. Proceed.

Mr. REGAN. That was my object in going to Mr. Souther's office, or that was Mr. Souther's object in getting me there—to get Wood to go up to Waupun and get some kind of a statement from Wagner, as they had worked together in a case at Waukesha and some other places.

The CHAIRMAN. Did the conversation that has been related here to-day under oath by Mr. Wood and Mr. Souther take place there?

Mr. REGAN. No, sir; not the kind of a conversation they have given.

The CHAIRMAN. What kind of a conversation on that subject did take place?

Mr. REGAN. The subject of that conversation was about Wagner being in State's prison, and to try to get the fellows that got him to go onto the witness stand to tell that story.

The CHAIRMAN. What was in these telegrams that you say were stolen? From whom were they sent?

Mr. REGAN. They were from Shields.

The CHAIRMAN. They were from Shields?

Mr. REGAN. Yes.

The CHAIRMAN. Do you remember the dates of them?

Mr. REGAN. One was along about, I think, the middle of February.

The CHAIRMAN. What year?

Mr. REGAN. 1909.

The CHAIRMAN. And the other?

Mr. REGAN. The other was, I think, a week later; somewhere about a week later.

The CHAIRMAN. What were the contents of the first telegram?

Mr. REGAN. The first telegram was that he would be in Milwaukee on the following Saturday, I think, and that he would like to see me.

The CHAIRMAN. Did he say where he would meet you here?

Mr. REGAN. At the Pfister Hotel.

The CHAIRMAN. Did he come?

Mr. REGAN. Yes, sir.

The CHAIRMAN. Did you have an interview with him?

Mr. REGAN. Yes, sir.

The CHAIRMAN. What was said by Mr. Shields and by you at that interview?

Mr. REGAN. The first part of our interview was general talk about the general contest at Madison—what was going on, etc.; but the main part of our interview was about some cut-over lands in the northern part of Wisconsin.

Mr. LITTLEFIELD. What is that.

Mr. REGAN. The main part of the talk was about some cut-over lands that I wanted to get for sale. I had a couple of parties that wanted to get that kind of land.

The CHAIRMAN. Was that the question that brought him here to talk with you?

Mr. REGAN. I do not know what brought him here. That was the question that got him to notify me, because I had talked with him several times about getting lands to sell.

The CHAIRMAN. You are in the real estate business?

Mr. REGAN. Yes, sir.

The CHAIRMAN. And you wanted to get lands that Shields had in the northern portion of the State of Wisconsin to sell?

Mr. REGAN. That the Hines Co. had; not Shields. I did not know that he owned any land. I met Mr. Shields and Mr. Hines at Madison, when they had a case there, in the United States court.

The CHAIRMAN. When was that?

Mr. REGAN. That was when I lived at Madison. We got quite well acquainted at that time; and that is the time I went over the situation about selling northern lands.

The CHAIRMAN. You say you discussed generally the political situation and the Stephenson situation. Let us hear what that discussion was.

Mr. REGAN. As nearly as I can remember, the substance was what the outcome of this fight at Madison was going to be, and if I had been out there. I said no, that I had not been out there. I was asked if I was going out there, and I said no; that I was not going out there. I think he asked me what I thought about it. I simply said that Mr. Stephenson had won out at the primary, and that I thought he was entitled to the support of his party. I said they were the ones that brought out the primary election law, and got it on the statute books, and I said I was always opposed to it, and more than ever now; and I said: "He beat them at their own game, and they ought to keep still and let him go to the Senate." That is what I said.

The CHAIRMAN. Did he ask you to go to Madison for any purpose?

Mr. REGAN. No, sir; he did not.

The CHAIRMAN. Did he tell you that he had any money or authority to use money or to get money for the purpose of aiding in Senator Stephenson's election?

Mr. REGAN. He certainly did not.

The CHAIRMAN. Was the question of money for that purpose, or any purpose kindered to it, discussed at all?

Mr. REGAN. No, sir.

The CHAIRMAN. Did he talk to you or did you talk to him in regard to securing the absence or the presence of any members of the legislature for any purpose, at any time?

Mr. REGAN. No, sir.

The CHAIRMAN. The subject was not discussed?

Mr. REGAN. No, sir.

The CHAIRMAN. Was anything said about securing the absence of Mr. Farrell or Mr. Ramsey or Mr. Towne?

Mr. REGAN. No, sir. I never heard the name of Mr. Towne mentioned and never knew he was in the assembly until I went out there in May and got a warrant for Wagner. Then I asked for him so that I could see who he was and was introduced to him.

The CHAIRMAN. Did you know Mr. Farrell or Mr. Ramsey before?

Mr. REGAN. Yes, sir. Mr. Ramsey was a member of the assembly from the district I lived in.

The CHAIRMAN. Mr. Ramsey is dead, is he?

Mr. REGAN. Yes, sir.

The CHAIRMAN. He died after being subpoenaed to appear in this case. I make that statement on my own authority, in order that it may appear in connection with this testimony.

Mr. REGAN. I heard that. I know when he died. That is, I heard when he died, or heard that he had been subpoenaed.

The CHAIRMAN. Mr. Thomas F. Ramsey was subpoenaed on September 1 to appear on October 19, 1911.

Mr. LITTLEFIELD. And he died when?

The CHAIRMAN. He died September 6.

Mr. LITTLEFIELD. Do you know of what he died, Mr. Regan?

Mr. REGAN. No; I do not.

The CHAIRMAN. I quote that from the records; so there is no question about those dates.

Did Mr. Shields discuss with you at all the question of the election of Senator Stephenson?

Mr. REGAN. We talked it over generally; yes, sir.

The CHAIRMAN. He expressed himself favorably to Senator Stephenson's reelection, did he?

Mr. REGAN. Oh, certainly. I knew he was a Stephenson supporter. At least, I did not know it, but I had heard of it.

The CHAIRMAN. Did Mr. Shields make a further appointment with you?

Mr. REGAN. No, sir.

The CHAIRMAN. What was the second telegram about?

Mr. REGAN. I think it was that he would be in Milwaukee on a certain day.

The CHAIRMAN. That was an appointment, was it not?

Mr. REGAN. Yes, sir. I say that is what it was.

The CHAIRMAN. That was the second telegram?

Mr. REGAN. That was the second telegram—that he would be in Milwaukee. I can not say just the day, but some day near by, shortly after my receiving the telegram.

The CHAIRMAN. He requested you to meet him?

Mr. REGAN. He did not request me to meet him, but, as I remember—I can not state it exactly, but the substance of it was that he was to be in Milwaukee on a certain day in the future.

The CHAIRMAN. That was the second telegram?

Mr. REGAN. Yes, sir.

The CHAIRMAN. Did you meet him on that occasion?

Mr. REGAN. No, sir.

The CHAIRMAN. Did he expect you to meet him?

Mr. REGAN. I could not say.

The CHAIRMAN. Why should he telegraph you, then?

Mr. REGAN. I suppose he expected me to meet him, from the telegram; but I say I do not know what he expected. I got the telegram. I was here, and I did not leave the city.

The CHAIRMAN. Were you here on the date fixed by the second telegram?

Mr. REGAN. Certainly I was.

The CHAIRMAN. What were you doing? Were you engaged in the ordinary course of your business?

Mr. REGAN. I was engaged in my regular business.

The CHAIRMAN. Did you leave town while he was here?

Mr. REGAN. I certainly did not.

The CHAIRMAN. Did you see him while he was here?

Mr. REGAN. No, sir. I do not know that he was here.

The CHAIRMAN. You do not know that he was here?

Mr. REGAN. No, sir; I do not. I did not see him.

The CHAIRMAN. You say you were here on that day?

Mr. REGAN. I know that I did not leave town for fear I might see him.

The CHAIRMAN. You have heard the testimony here?

Mr. REGAN. Yes; I have. It is absolutely false.

The CHAIRMAN. You have heard the testimony that you stated that you left town, also?

Mr. REGAN. I never stated so, to any living man.

The CHAIRMAN. Did you ever contemplate or discuss the proposition of making up a plan to procure the absence of any members of the legislature during that senatorial contest?

Mr. REGAN. I did not.

The CHAIRMAN. Did you have any talk with anybody in regard to it at the Plankinton House, at any time?

Mr. REGAN. You mean before the election?

The CHAIRMAN. Yes; as to what could be done?

Mr. REGAN. I might have; yes. I think everybody was talking about what would be done.

The CHAIRMAN. Just crystallize that "might have."

Mr. REGAN. I say, I think I remember one night. There was, I think, a fellow by the name of James McNally, and one or two others there, and I think they got to talking pretty strong about the election of Mr. Stephenson, and the fight that was on out there, and I think some one suggested—I think it was McNally; I am not positive—but some one in the crowd suggested: "Well, why don't the Democrats get up in a body and walk out, and let those fellows fight their own battles out there?" I think I joined in and said that that would be a good plan, to all get up and walk out and let the Republicans settle their own fight; that the more they fought, the better it was for us. I think that was talked over one night, in the Plankinton House.

The CHAIRMAN. In that conversation did anybody suggest how it might be done?

Mr. REGAN. No, sir.

The CHAIRMAN. No details were suggested?

Mr. REGAN. No, sir. I am quite sure that McNally made that kind of a statement, that they ought to get up and get out and let the Republicans fight it out amongst themselves.

The CHAIRMAN. On any other occasion, did you, either in earnest or in jest, suggest the procuring of the absence of men from the assembly?

Mr. REGAN. No, sir; I did not.

The CHAIRMAN. Mr. Regan, two witnesses, claiming to have been present on the occasion which you say was a reality—that is, when you met at the office at No. 504 in the Merrill Block, the office of Frank Souther—have testified to statements made by you that vary materially from those that you make.

Mr. REGAN. Yes, sir.

The CHAIRMAN. Under those circumstances, in order that we may get at the truth, which is all we want, can you refresh your memory as to what occurred there, and give us further information?

Mr. REGAN. My memory, and the only memory I have of that meeting is that I was very anxious to get some evidence; I had been started by Mr. Ryan to get some evidence to commence proceedings against the fellows that got Wagner to go on and make that statement.

The CHAIRMAN. Against whom?

Mr. REGAN. Well, there was the three of the committee, and there was J. L. O'Connor, because he had made a statement to me, in his partner's office, I think it was in April, that he had the photograph of the fellows that lined up that deal in the Plankinton House, and I wanted to get the information. Then he was at Madison the day that this man Wagner went onto the stand, and he had been told by John A. Aylward, of Madison, that O'Connor was the man that first told him that story. He had been told by Miner, who is now, I think, living in Minneapolis, that O'Connor told that story in

Madison, and that he told it so strong and so sincerely—as he can, when he wants to—that they sent a man down here to see that photograph.

The CHAIRMAN. That who sent a man down here?

Mr. REGAN. Mr. Miner and the people that were interested in ferreting out that——

The CHAIRMAN. Not the committee?

Mr. REGAN. No; I do not know. He said “they.” I had been told that he had said that I would never get any warrant for Wagner—he and others; that the story was true, and that I knew it was true; and I was trying to get evidence for Mr. Ryan to commence a suit against him for libel. That is why I was so anxious to get some testimony or some evidence or something from this Wagner as to who was back of him. I knew he used to go to Mr. O’Connor’s and Mr. Schmidt’s office.

The CHAIRMAN. What did you say?

Mr. REGAN. He used to run up to Schmidt’s and O’Connor’s office.

The CHAIRMAN. Who—Wagner?

Mr. REGAN. Yes, sir.

The CHAIRMAN. What kind of an office has Mr. O’Connor?

Mr. REGAN. They are attorneys.

The CHAIRMAN. Then Mr. O’Connor is an attorney?

Mr. REGAN. Yes, sir. He used to be attorney general of the State of Wisconsin.

The CHAIRMAN. Where is his office?

Mr. REGAN. J. L. O’Connor, he is down here in Milwaukee, in a block on the corner of East Water Street and Wisconsin Street.

The CHAIRMAN. Is he the man that said he had a photograph?

Mr. REGAN. Yes. He not only said it in the presence of his partner, but he struck his hand and said they have it. That was before I had any idea they were going to hitch me up with it, and I sat there——

The CHAIRMAN. Why did they mix you up with this?

Mr. REGAN. That is what I have been trying to uncover ever since it happened. I would like to find out why they hitched me up to it, because this man Wagner’s story, from start to finish, is absolutely false. Not one thing did he tell that was true.

The CHAIRMAN. Let us pause a moment, there. Do you mean to say that you know all of his story is false? I understood you to say, at an earlier point in your testimony, that the part that related to you was false, but that you did not know anything about the other part.

Mr. REGAN. I say the story is false from start to finish.

Mr. LITTLEFIELD. The other witnesses made the other statement, Mr. Chairman.

Mr. REGAN. I was very much interested in the proposition of Wagner. I was the one that went out there and told the district attorney. He wanted to know how long I was going to stay, and I said: “I will answer that by telling you what I told my wife this morning. She asked me when I was coming back home, and I said, ‘I am not coming back until I get a warrant for Wagner.’” I had been trying for 10 days to get it, and could not get it; that is, my attorney and friend Mr. Richmond had, and could not get it. When I went into the

municipal court, where the district attorney was prosecuting a man for stealing a bottle of beer, he came over to me and said to me: "Mr. Regan, I am sorry you got here to-day." I said, "Why?" He said, "I have not the time to take up your case." I said, "I am here to await your pleasure." I said, "I do not expect that you will drop this suit and take up my case." And he said: "When are you going back?" I said, "I will tell you what I told my wife when I left home this morning." And I stated to him what I have just stated here.

The CHAIRMAN. You got the warrant, did you?

Mr. REGAN. Yes; I got the warrant before I got away from there, but it took some time before I got it.

The CHAIRMAN. You have been acquainted with Mr. Frank Souther for some time, have you not?

Mr. REGAN. For quite a long while; yes, sir.

The CHAIRMAN. How do you suppose his mind evolved the story he told here?

Mr. REGAN. I think he believes he is telling what is true, that part of that story that happened there, because he had talked this matter over so many times with this man Wood that he believed that I made those statements in that way.

The matter of the election of Mr. Stephenson was not brought up in that room at all. It was the matter of Wagner being in State's prison, when some other fellows ought to be there with him. That was the whole essence of that conversation.

Mr. Wood told me last Thursday—came in here and followed me out, right behind this building—that he had seen Mr. Souther at dinner that day, and they had talked the matter over and what they were going to do.

The CHAIRMAN. Did you call his attention to the fact that those were not the facts?

Mr. REGAN. I did, sir. I told him it was absolutely untrue. And I said then: "Neither you nor Mr. Souther can put words into my mouth. I know what was said at that meeting, and nothing of that kind was talked over there." He used the talk to me that if we could get that strong enough, he could go to this Mr. Black, or some one connected with Mr. Black, and that he could hold them up for money to keep that evidence out.

The CHAIRMAN. Who did that?

Mr. REGAN. Mr. Wood.

The CHAIRMAN. When?

Mr. REGAN. Last Thursday, sitting right on the railing, back of this building.

The CHAIRMAN. Just let us hear that again.

Mr. REGAN. He said that he had had dinner with Mr. Souther, and that he had asked Mr. Souther what happened up in his room at the time we were up there, and that Mr. Souther had practically agreed to what had happened, as he looked at it; that I had stated that I had got those telegrams; that Mr. Shields came here with money to bribe the legislators, and wanted me to go to Madison. I said, "That is absolutely false." He said, "We are going to testify to it." I said, "I do not care if you do. It is not true. You or Souther can not put words into my mouth. I know what I say, and what that meeting was for. It was to get you to go to Waupun to get evidence from Wagner, to

help me frame up a suit against these fellows that Mr. Ryan was laying out plans for.

The CHAIRMAN. What did he say about selling his testimony?

Mr. REGAN. He said if he could get that so that he could put it into concrete form, he would hold up the Stephenson crowd for money.

The CHAIRMAN. Now? During this investigation?

Mr. REGAN. Yes, sir.

The CHAIRMAN. Was anybody present when that occurred?

Mr. REGAN. No, sir. He and I sat on the iron railing back of this building.

The CHAIRMAN. Why did you not call somebody who was in sight to come over and make him repeat it?

Mr. REGAN. There was nobody in sight. It was right around behind this building, on the railing there.

The CHAIRMAN. Did you report to anybody that he had said this?

Mr. REGAN. I reported it to Mr. Black.

The CHAIRMAN. When?

Mr. REGAN. I think to-day was the first I told him of it.

Mr. BLACK. Yes. Sitting right here.

Mr. REGAN. I wanted to let them go on and testify, to see if he would do that. I knew some things that he had done were fearfully bad—not in connection with this alone—and I wanted to see if he was bad enough for that.

The CHAIRMAN. But how do you account for Mr. Souther's testimony? He is not a bad man, is he?

Mr. REGAN. No, sir; not that I know of. Mr. Souther does not attempt to tell anything about my getting Wagner——

The CHAIRMAN. The committee will remember what Mr. Souther testified.

Mr. REGAN. He does not attempt to say that I gave him \$5 to pay car fare up there and back, which I did do.

The CHAIRMAN. Did you meet any members of the legislature in Milwaukee during the session that elected Senator Stephenson?

Mr. REGAN. Casually. I met them all. I know most of them.

The CHAIRMAN. Did you, during that time, see Mr. Towne? You say you did not see him?

Mr. REGAN. Yes.

The CHAIRMAN. Did you at any time during the session of that legislature see Mr. Farrell in Milwaukee?

Mr. REGAN. Yes, sir.

The CHAIRMAN. Did you talk over the Stephenson case with him?

Mr. REGAN. I talked over what was going on at Madison.

The CHAIRMAN. Where?

Mr. REGAN. Down at the Plankinton House, and I think once at Weber's. I am not sure.

The CHAIRMAN. The Plankinton House seems to be a sort of headquarters here?

Mr. REGAN. It is a kind of general meeting place for everybody. When anyone telephones you or writes to you, he will say, "Meet me at the Plankinton House." It is an old hotel here, and a kind of a general meeting place, because it is directly in the center of that part of the city.

The CHAIRMAN. You did meet Mr. Farrell there during the contest?

Mr. REGAN. Yes, sir.

The CHAIRMAN. Did you talk to him in the open, or did you retire to some room?

Mr. REGAN. I talked to him in the open. I never took him into any secret conference. I talked to him before a number of people there. They had a hotel keepers' meeting before his committee. He had some bill in the legislature to have towels or sheets of a hotel made in some way. I do not know what it was.

The CHAIRMAN. What is that?

Mr. REGAN. I think his bill was in relation to having the sheets of the beds in a hotel of a certain length, so that they would lap over.

Senator POMERENE. Whose bill was that?

Mr. REGAN. Mr. Farrell's, I think it was.

The CHAIRMAN. Did you meet Mr. Ramsey at the Plankinton Hotel during the session?

Mr. REGAN. No, sir; I do not think I did. I do not recall that I ever met Mr. Ramsey at the Plankinton Hotel. I do not think I ever had one minute's conversation with Mr. Ramsey while he was in the legislature.

The CHAIRMAN. Did you see Mr. Puelicher at the Hotel Plankinton?

Mr. REGAN. I never saw Mr. Puelicher, cashier of the Marshall & Ilsley Bank, to know who he was, until he came into the municipal court at Madison during the Wagner trial. I had never seen him and did not know him; would not have known him from a man in the Philippine Islands.

I had never seen Mr. Towne or met him until I sent for him at Madison and was introduced to him, and I said, "Well, you are the fellow I paid part of that \$35,000 to." He said, "That is what they say." I said, "I must have had a good long arm. Were you in Milwaukee?" He said, "I have never been in Milwaukee in my life. I was never nearer there than I am now." I said, "I must have had a good long reach to get part of that money to you." And he laughed.

The CHAIRMAN. To what were you referring in regard to the \$35,000?

Mr. REGAN. The \$35,000 that I was supposed to have had. That is the time I went up to Madison to get the warrant for Wagner. I went over and met Mr. Ramsey and Mr. Farrell, and I said, "I want to see this man Towne; I have never seen him. I want to see what he looks like." And they sent a messenger after him and brought him up and introduced him. I said to them, "I want you to go over to the district attorney's office with me at 10.30 or 11.30. The district attorney wants to interview you, together with myself, as to where you were that day, the 20th of February."

The CHAIRMAN. The 20th of February was the date fixed?

Mr. REGAN. Yes, sir; that is the day that they claimed I got that \$35,000.

The CHAIRMAN. Where were you that day?

Mr. REGAN. I could not say. I have never been able to convince myself where I was on that day. When it came out, I wrote to a friend of mine by the name of William Agan, at Palmyra, Wis. He had a 95-acre farm south of Palmyra, and I had taken two or three parties out there to show them the farm, to deal with the property here. I had hired livery there—I think the name of the man was Austin—and I wrote to him about it. I knew I had been there two

or three times when I went there, so that I wrote to Mr. Agan to see if I had hired livery at Austin's on that day. He wrote back to me and said that my name was on the livery books; that I had paid \$2 on that day.

Mr. LITTLEFIELD. That is February 20?

Mr. REGAN. Yes.

Mr. LITTLEFIELD. 1909?

Mr. REGAN. Yes.

The CHAIRMAN. You think you were somewhere else?

Mr. REGAN. I then set about, with my wife, to find out where I was on that day. I could tell where I was the Saturday before. I knew what I had done that Saturday, because I took my wife and daughter-in-law down to the train, the interurban train, to go to Waukegan to visit my son. But I can not tell where I was on that day.

I took that letter, to which I have referred, to Madison, to the district attorney, after Wagner had been bound over, and showed him that letter, and he says, "That is very good evidence." "Yes," I said, "but I can not get it in my mind. I can not convince myself that I was there on that day." He said, "You can not?" I said, "No, I can not."

Mr. LITTLEFIELD. What day of the week was the 20th?

Mr. REGAN. Saturday.

"Well," he said, "Mr. Regan, I ought to have that." I said, "Now, I won't swear to it." And when the case came up for trial, I refused to swear to it.

The CHAIRMAN. That is the day upon which it is alleged that this transaction took place at the Plankinton House?

Mr. REGAN. Yes, sir; 1 o'clock that day.

The CHAIRMAN. At 1 o'clock in the daytime?

Mr. REGAN. Yes, sir.

The CHAIRMAN. That Mr. Towne was there, Mr. Farrell was there—

Mr. REGAN. And Mr. Ramsey.

The CHAIRMAN. And Mr. Ramsey was there, Mr. Puelicher, and yourself?

Mr. REGAN. That is what they said; and that they heard me talking in the next room; I think I was in 182, and he was in 183, and a couple that he claimed he was shadowing were in 184; and while he was shadowing the couple in 184 he heard my voice in 182, and he built a great high—I don't know what you would call it—a stile, or something, of chairs and lounges and what not to look through the transom; and the transom had one hinge off, and he looked in there, and he saw me there talking to these three men; that I went out, and was gone about five minutes: that I came back into the room, he still on his perch, looking through the transom; and he said I came back into the room and was talking with those three members of the legislature, and pretty soon Mr. Puelicher came in, and Mr. Puelicher walked up to me and took out of his right-hand outside overcoat pocket a package 4 by 4 by 8, wrapped up in wrapping paper, and handed it to me, and I put that in my pocket—4 by 4 by 8; that he took out of his left-hand outside overcoat pocket a great bundle of money with bands around it as it came from the bank, and that he handed that to me, and patted me on the shoulder, and

went out; and that I took and divided that up with these three fellows.

The CHAIRMAN. This is the 20th of February?

Mr. REGAN. Yes, sir. At 1 o'clock Saturday, the cashier of a bank coming down Wisconsin Street and Grand Avenue into the Plankinton Hotel with \$35,000 in his outside overcoat pocket would be quite a spectacle. And that committee believed that kind of stuff—believed it enough to put him on the stand.

The CHAIRMAN. I think I would not indulge in criticism of that committee. That is out of this case.

Mr. REGAN. I have a very strong feeling against that committee, I will assure you, because after they got that story in the paper they did me a great injury.

The CHAIRMAN. I say, Mr. Regan, we will leave out those conclusions. You will have to get your own satisfaction out of them.

Mr. REGAN. I do not believe I am ever going to get it. I am looking for it. That was a serious charge to make against me, and get it into the press, without any foundation whatever for it.

The CHAIRMAN. The subject under immediate consideration is as to what you told or did not tell to Mr. Souther and Mr. Wood.

Mr. REGAN. Yes, sir.

The CHAIRMAN. We have allowed you to drift away from that somewhat; but we will get back to the question.

Mr. REGAN. I was very anxious—

The CHAIRMAN. You do not deny being at this meeting; do you?

Mr. REGAN. No, sir.

The CHAIRMAN. Can you fix the date of it?

Mr. REGAN. I think it was—I am quite sure—I am positive it was the 1st of April.

The CHAIRMAN. You fix it at a much later date than either of those witnesses?

Mr. REGAN. Yes, sir. The reason I fix it that way is this: Look at the date on that letter of Mr. Wagner's.

The CHAIRMAN. Was this letter received at the time, or about the time?

Mr. REGAN. A short time after he was up there to see us.

The CHAIRMAN. The expression "a short time" is quite indefinite. Can you not fix that more certainly?

Mr. REGAN. I think, as I said before, it was along in March, 1910. That was just a short time after I had met them in that room.

The CHAIRMAN. Let us connect up your testimony on that point. You say that at that meeting you arranged for Mr. Wood to go and see Wagner?

Mr. REGAN. Yes, sir.

The CHAIRMAN. And that he went almost immediately, did he?

Mr. REGAN. Well, I think within a day or two.

The CHAIRMAN. Then he came back and reported to you in an unsatisfactory way?

Mr. REGAN. Yes, sir.

The CHAIRMAN. And you sent him back again?

Mr. REGAN. No, sir.

The CHAIRMAN. Did you pay his expenses the second time?

Mr. REGAN. I did not send him back again. I did not know he went back the second time.

The CHAIRMAN. I think I have the story. I want to clear away any possible doubts about it.

Mr. REGAN. Yes, sir.

The CHAIRMAN. Then he said he would write him?

Mr. REGAN. Yes, sir.

The CHAIRMAN. It was after he came back the first time that he told you he would write him?

Mr. REGAN. Yes, sir. Well, now, just a minute; I think he told me that he made arrangements with Wagner to write him the facts.

The CHAIRMAN. You have not any copy of the letter that he wrote to Wagner?

Mr. REGAN. No, sir; I have not seen it.

The CHAIRMAN. Did he bring this to you as a reply to the letter he had written to Wagner?

Mr. REGAN. He brought that to me as a statement that he had received from Wagner in relation to what he went up there for.

The CHAIRMAN. In response to his letter?

Mr. REGAN. Or his going up there.

The CHAIRMAN. You do not know whether this letter was written in response to a letter or written pursuant to an arrangement made when he was up there?

Mr. REGAN. I think it was written in pursuance of an arrangement that was made with him while he was up there, and that he wrote him again after that and tried to get something. I wanted him to get something more definite.

The CHAIRMAN. Is this the envelope in which this letter came?

Mr. REGAN. That is a part of it. The other part got lost.

The CHAIRMAN. This envelope bears the post-office stamp at Waupun, April 7, 1910.

Mr. REGAN. Yes, sir.

The CHAIRMAN. That would seem to throw some light on the dates.

Mr. REGAN. Yes, sir.

The CHAIRMAN. This letter will be carefully examined by the committee, and such parts of it as relate to this matter will be separated from that which may relate to other people's business into which this committee does not desire to inquire.

Mr. LITTLEFIELD. Are you going to have it typewritten?

The CHAIRMAN. Yes; we will have it typewritten. The letter itself will be an exhibit.

Mr. LITTLEFIELD. If it is equally convenient, I will suggest that I have not read it at all myself—

The CHAIRMAN. It will all be typewritten.

Mr. LITTLEFIELD. Then you can make the extracts.

The CHAIRMAN. There are some references here to other people's business that we do not care to perpetuate. The reporter will mark the envelope "Exhibit 1" in connection with this witness's testimony, and the letter "Exhibit 2." We will have copies of the letter made—several copies, so that we will have enough.

(The reporter marked the envelope "Ex. Regan No. 1, Oct. 24, 1911," and the letter "Ex. Regan No. 2, Oct. 24, 1911.")

The CHAIRMAN. It is adjourning time.

Senator POMERENE. Mr. Regan, you will be here in the morning?

Mr. REGAN. Yes, sir.

The CHAIRMAN. I will say that Mr. Shields will be wanted to-morrow. Is Mr. Shields present?

(There was no response.)

The CHAIRMAN. The officer will see that Mr. Shields is notified.

Mr. LITTLEFIELD. I think he is in town, Mr. Chairman.

(Whereupon, at 4 o'clock and 30 minutes p. m., the subcommittee adjourned until to-morrow, Wednesday, October 25, 1911, at 10 o'clock a. m.)

WEDNESDAY, OCTOBER 25, 1911.

FEDERAL BUILDING,
Milwaukee, Wis.

The subcommittee met at 10 o'clock a. m.

Present: Senators Heyburn (chairman) and Pomerene.

Present also: Mr. C. E. Littlefield, Mr. W. E. Black, and Mr. H. H. J. Upham, counsel for Senator Isaac Stephenson.

The name of Mr. W. J. Sommer was called. Mr. Sommer responded, and was duly sworn by the chairman.

The CHAIRMAN. I will say to the officer that Mr. Towne will be wanted as soon as Mr. Regan has completed his testimony.

Mr. LITTLEFIELD. Has the committee had an opportunity to examine the testimony of Mr. Turrish? You will remember that I wished to use that which was taken before the other committee.

The CHAIRMAN. Yes; we have examined it. Do you want to use it now?

Mr. LITTLEFIELD. No; I simply want it in.

The CHAIRMAN. I will take this opportunity of saying to counsel that the affidavits that are being made will be reserved by counsel until they are complete, and until the committee takes up the question of affidavits.

Mr. LITTLEFIELD. Yes.

The CHAIRMAN. Then they will be presented at the bar, so that they will be orderly in the record.

Mr. LITTLEFIELD. Yes, Mr. Chairman. Of course whatever suggestion you may have to make in relation to the affiants can be made either then or later.

The CHAIRMAN. These will be handed to you. You will keep them all together.

Mr. LITTLEFIELD. I was handing these in on account of the suggestion that at first you thought you would rather have the men stay until you had had an opportunity to look at the affidavits.

The CHAIRMAN. I think you need not retain the witnesses when they have made their affidavits.

Mr. LITTLEFIELD. Very well. That was the only purpose of submitting them de bene.

The CHAIRMAN. Kindly hand up a list of the affidavits that you have made, and those that you are going to make, in order that we may not overlap. We have checked some of them. I find that

some witnesses whom I have marked to call are included in your affidavits.

Mr. LITTLEFIELD. Yes. I gave a partial list.

Is it understood, if the chairman please, that the testimony of Turrish taken before the other committee may be used as the testimony of Mr. Turrish before this committee?

The CHAIRMAN. The committee is of the opinion that it is not proper to use it.

Mr. LITTLEFIELD. Then I shall have to make some sort of an effort to get at Turrish. I do not know how I can do that. He is out on the coast. But I can arrange in some way, I presume, to take his deposition.

Senator POMERENE. His examination was made with reference to the other case.

Mr. LITTLEFIELD. But it was only directed to this same matter. However, of course it is not proper to use it here unless we use it by consent of all concerned.

The CHAIRMAN. No; I do not think it is proper.

Mr. LITTLEFIELD. I will take up with the committee later the matter as to what arrangement we will make about getting his statement, and when we will get it, etc.

The CHAIRMAN. Probably it is well enough for you to know that it is the purpose of the committee to adjourn at the end of Thursday until Monday. On Friday the people of this city desire to be at leisure to entertain the President of the United States. There are a number of people connected with this investigation, and some being held as witnesses, that it would be unfair to detain on an occasion of that kind. The committee desires, also, to have a sufficient time to go over the case as presented. We are approaching the end of it. The number of witnesses that will be examined is very limited now.

Mr. LITTLEFIELD. Yes.

The CHAIRMAN. In order that there may be nothing omitted, the committee desires the necessary time to carefully go over the case as it is now in. It is probable that when we meet on Monday we shall close up the case.

Mr. LITTLEFIELD. We shall, of course, be very glad meanwhile to make any suggestion that may aid the committee in getting further results.

The CHAIRMAN. That will give you time to complete your affidavits between now and then?

Mr. LITTLEFIELD. Yes.

The CHAIRMAN. I will say, further, that during the day we will take up the question of this box of papers, and we will require that it be accounted for from the time it was made up in the office through every step, including the time when the change or transfer was made from the box to the trunk, and the absence of papers that are omitted from the box. We intend to take up that matter very soon—that is, at an early hour. I mention it at this time in order that you may be able to account for it. Mr. Lambeck is in attendance under subpoena.

Mr. LITTLEFIELD. He is here in town, I understand.

The CHAIRMAN. Yes; he is in town. We shall wish to examine Mr. MacLean, who was present when it was made up, and Mr. White, and any others concerned. The burden will be upon those who have

had the custody of the box to account for it. We will give you that notice this morning in order that you may get ready without delay.

Mr. LITTLEFIELD. When does the committee expect to go into that matter—to-day or to-morrow?

The CHAIRMAN. At an early hour to-day.

Mr. BLACK. It will be impossible to have Mr. MacLean here to-day, but I can have him here to-morrow morning.

The CHAIRMAN. We will start in on it. It is one of those matters that obviously must be straightened up. It would be a blur upon the entire proceedings to leave that matter unaccounted for.

Mr. BLACK. I do not know whether the chairman understood me when I said that it would be impossible for us to have Mr. MacLean here to-day. I can have him here to-morrow morning.

The CHAIRMAN. Let it be to-morrow morning, then. To-morrow morning we shall expect the box to be accounted for and its contents. I did not anticipate that there would be any delay. I had anticipated that counsel would have taken up this matter of their own accord.

Mr. LITTLEFIELD. We know right where the people are, but of course we would not have witnesses in attendance in advance of knowing when they would be needed. We can produce every one that had anything to do with it.

Senator POMERENE. Kindly give the names to the secretary of the committee, so that we may have the men subpoenaed.

Mr. LITTLEFIELD. Yes.

As to the affidavits, we are having the people brought in as rapidly as possible, but when it comes to the small amounts, I do not feel that I am justified in advising Senator Stephenson to go to the expense of having them come from long distances to account for twenty-five or thirty dollars. Just as soon as we can get around to it, after we get through with the investigation, I am going to have a man go about the State looking these people up and getting affidavits on the same lines as those we have already submitted.

Senator POMERENE. You were to submit to us an abstract of what these men were expected to testify to, and we were then to determine whether or not we cared to hear them.

Mr. LITTLEFIELD. Of course the committee can see that there are a great many of these men that we have not gotten into touch with, and have not been able to have anybody get in touch with. We are having them brought in as rapidly as possible.

Senator POMERENE. You have an idea as to what their testimony will be?

Mr. LITTLEFIELD. It will be right on the same lines as the affidavits already submitted, as we understand it. I can not state in advance, of course, what witnesses will say whom I have not seen and whom I have not had anybody see. We expect, however, that they will be right on these same lines. And as to those smaller sums, my idea was to have a man go around in the localities and so get a half a dozen of them at a time, and in that way cover the State. It would cost a very large sum of money to have them come in from long distances for those small amounts.

This is all subject to the understanding that we will produce, at any time the committee desires it, any of the men who make these affidavits. If when the committee looks the affidavits over there is anybody they think they want to examine or cross-examine, we will

see that the parties they indicate are produced wherever the committee desires them produced. That, of course, holds good until we get their affidavits in.

The CHAIRMAN. We would suggest that the character of the act of placing money in the hands of men to be used for electioneering purposes is pretty well covered by the witnesses who have been examined before the committee. There is a class of persons, however, that has not received the attention that some who may pass upon this case may think they should have received.

Mr. LITTLEFIELD. Yes, Mr. Chairman.

The CHAIRMAN. That is to say, the persons receiving these very small items. They may become more important than the large items. A deliberate and open bribe of a dollar is more potent than the payment of a hundred dollars that did not amount to a deliberate and open bribe.

Mr. LITTLEFIELD. Certainly.

The CHAIRMAN. So that I would suggest to counsel that some of these smaller items should be covered in this subinvestigation.

Mr. LITTLEFIELD. I should be very glad, indeed, if the committee would have Mr. Smith indicate to us the extent to which the committee would like to have us go in that direction. We shall be very glad to do anything that the committee thinks ought to be done on that line. Of course, there is a very large number of those men.

The CHAIRMAN. It will be utterly impracticable to cover them. I spent some hours going through the record, with a view of making a list of the men whose names had been associated with the receipt of money, and I found that it would be a very long list. The casual mention by a witness of a dozen names, in a second or two, sometimes, would involve a good deal of examination.

Mr. LITTLEFIELD. Certainly.

The CHAIRMAN. I therefore laid that work aside, for the present at least, and I do not know that anyone will ever want to go into it to any great extent. I merely suggest to counsel that it be exploited for the purpose of determining the feasibility of having enough of that testimony to indicate, fairly, what the ultimate receivers of the money did; not what they did with the money. We have devoted a great deal of time to proving what was done with the money.

Mr. LITTLEFIELD. The committee desires us to indicate what work they did?

The CHAIRMAN. The important feature is to know what the men did who got the money.

Mr. LITTLEFIELD. Yes. I would like this, if this suggestion appeals to the committee. If I go out and select these men, it is very obvious that I would not be expected to put in affidavits from all, because that would tremendously cumber the record; and if I made the selections, I am naturally open to the inference or suggestion that I have made selections favorable to the Senator. What I would prefer, if the committee does not feel that it is imposing too much of a burden upon Mr. Smith, is to have him, acting for the committee, look over this list and suggest to me the names of men whose affidavits it seems to him would be useful on those lines. I know nothing about them, now. That will place me in a better position.

The CHAIRMAN. We can meet that without serious difficulty. The committee will designate the persons who were employed to work at the polls—whatever that may mean—under certain disbursements.

Mr. LITTLEFIELD. Yes.

The CHAIRMAN. And will give you a list of the disbursements.

Mr. LITTLEFIELD. And intimate such of those as the committee desires me to cover?

The CHAIRMAN. Yes. We will do that with reference to some of these witnesses, and we will do it with reference to certain counties where a large number of persons were the beneficiaries of the money distributed. One man testified about 40 persons who were the beneficiaries of money distributed.

Mr. LITTLEFIELD. Yes.

The CHAIRMAN. The committee will furnish you with a list of those, and there will be no selection about it. You will take the list as it is, good and bad, and ascertain what those men did.

Mr. LITTLEFIELD. If you furnish me the list of those as to whom you would like affidavits, I would prefer that. The committee will appreciate how that may be. I do not imagine that anybody would assume that I would deliberately put in an affidavit that, by inference, would conceal a fact.

The CHAIRMAN. You would not be open to that suspicion.

Mr. LITTLEFIELD. I understand that; but still, it would be a great deal better for the Senator's case if it can appear that the committee itself have indicated the names and character of the men from whom they themselves think affidavits should be received. That will free me from all responsibility of selection, and would make it impossible for any inference of that kind to arise.

The CHAIRMAN. I will say, in addition, that if the committee finds, when these men whose names are given are returned, and the facts shown as to what they did with the money, that in any case a wrong use of the money has been made, the committee will sift the case of every man who received a dollar from anybody.

Mr. LITTLEFIELD. Certainly.

The CHAIRMAN. Before this case is closed.

Mr. LITTLEFIELD. The committee will appreciate the reasons why I should like to have the matter arranged that way.

The CHAIRMAN. I will call the names of certain witnesses who are presumed to be in attendance here, and if they are present they will answer to their names, in order that the secretary of the committee may check them and indicate their presence as a basis of determining whether or not they are entitled to their fees.

Edward McMahon (previously discharged).

W. R. Knell (present).

R. J. Shields (present).

Adolph Rosenheim (no response).

Richard White (present).

Leo Kelpinski (no response).

H. R. Pestalozzi (no response).

Earl J. Morgan (present).

Silas A. Towne (present).

J. T. Farrell (no response).

James Fenelon (no response).

Paul O. Husting (present).

Frank T. Wagner (present).

James A. Stone (present).

Albert H. Lambeck (no response).

M. J. Bell (no response).

J. L. O'Connor (no response).

David Atwood (no response).

J. H. Puelicher (no response).

The clerk will note those who are present and notify the others that they are subject to call at any time.

TESTIMONY OF M. J. REGAN—Resumed.

Senator POMERENE. Mr. Regan, what was the date of that first telegram?

Mr. REGAN. I could not state just the date of it. It was some time in February.

Senator POMERENE. From where did it come?

Mr. REGAN. I can not say that. I think it came from Chicago. I am not positive.

Senator POMERENE. Was it from Washington?

Mr. REGAN. No, sir; not that I remember.

Senator POMERENE. You said Mr. Shields talked with you about the Stephenson case?

Mr. REGAN. If the Senator please, I would like to offer a little explanation this morning, on those telegrams.

Senator POMERENE. We will hear anything you desire to say.

Mr. REGAN. Since I left here yesterday afternoon, in talking over the matter with my wife as to when I first brought this man Wood to my home, I find now, and I know that it is positively true, that I did not know at the time that I met Mr. Wood and Mr. Souther in their office that those telegrams had been stolen. It was after Mr. Wood had gone to Waupun and seen Wagner and came back and told me, or asked me: "Did you have a couple of telegrams from Shields?" and I said: "Yes." He said: "Have you got them now?" I said: "I think they are at home in my house." He said: "I do not think they are there." "Well," I said, "I think they are." I said: "Why do ask?" He said: "Wagner gave me to understand that he got hold of those telegrams in your house." I said: "Do you mean to say that he stole them out of my house?" He said: "He gave me to understand that he got them at your house." I said: "Where?" He said: "At 429 Jackson Street." That is where I lived then. I said: "In what way?" He said: "He called there one day to see you, pretending that he had some real estate on the south side that parties wanted to sell, and your wife met him, and he went back into the"—we had a back room on the west end of the building, where I kept a table in the corner with all my letters and papers on it—"he asked for you; and she thought you were in the house." She thought I was in the house, but, looking around, found that I had gone out. She went looking for me. And when she came back he was still sitting there. She then said: "Mr. Regan is not in," and he went out. Wood said: "Wagner got hold of those telegrams." I said: "Come with me." And I took him up to my home, at 448 Marshall Street. When I moved from 429 Jackson Street, I put all my letters in a pasteboard box and tied strings around them. When we went up into Marshall Street, I took him into the parlor, and he sat down there, and I went and got that box, and brought it out onto the stand, and he and I went through those letters to find those tele-

grams, and we could not find them. That is the first time that I ever knew that those telegrams had gotten out of the house. So that, at the time when I met them in the Merrill Building, the matter of those telegrams was never brought out.

I will say, further, after I had learned that, I allowed Mr. Wood, whom I began to suspect was trying to lead me to get into trouble on account of sending Wagner to State prison to talk about telegrams and anything that he pleased, and did not get into an argument over it with him, trying to induce him to help me to uncover the fellows that put up this deal against me.

Senator POMERENE. Let us get back to the other matter. Do you remember the date of that telegram?

Mr. REGAN. I could not remember the date; but I know it was along at the time of this controversy at Madison over the election of a United States Senator.

Senator POMERENE. The final ballot was taken on March 4.

Mr. REGAN. I know that well.

Senator POMERENE. With reference to that date, when was it?

Mr. REGAN. It was some time before that; I would say probably 10 or 12 or 15 days.

Senator POMERENE. What did that telegram say?

Mr. REGAN. Simply that he would be at the Pfister Hotel and would like to see me. That is the substance of it.

Senator POMERENE. Was there anything else in that telegram?

Mr. REGAN. Not another thing of any kind.

Senator POMERENE. Did it say when he would be there?

Mr. REGAN. I think he said the following evening. I think it said "to-morrow evening." That is what I think.

Senator POMERENE. Was this telegram addressed to you at your residence?

Mr. REGAN. Yes. I want to say as to that that I did not know that he knew where I lived at the time.

Senator POMERENE. He knew you were living here in Milwaukee?

Mr. REGAN. Yes.

Senator POMERENE. After receiving this telegram you came to the Pfister Hotel to talk with him?

Mr. REGAN. Yes.

Senator POMERENE. At the time he designated in the telegram?

Mr. REGAN. Yes.

Senator POMERENE. And you talked then about the Stephenson matter?

Mr. REGAN. Yes; generally about the election of the Senator at Madison.

Senator POMERENE. At the time you received that telegram did you know what he wanted to see you about?

Mr. REGAN. I did not.

Senator POMERENE. Was there anything in the telegram as to what he wanted to see you about?

Mr. REGAN. No, sir.

Senator POMERENE. While there he talked with you about the Stephenson election?

Mr. REGAN. Yes.

Senator POMERENE. Had he been to Madison prior to that time, if you know?

Mr. REGAN. Not that I know of.

Senator POMERENE. Did anything crop out in the conversation to indicate that he had been at Madison?

Mr. REGAN. No, sir.

Senator POMERENE. Did he say anything about being at Washington?

Mr. REGAN. No, sir.

Senator POMERENE. Was there anything in that conversation to indicate that he had been at Washington?

Mr. REGAN. No, sir.

Senator POMERENE. You did not know what he wanted to see you about?

Mr. REGAN. I had no idea. I knew he and I had had considerable talk about his getting some lands from the Hines Lumber Co. for me to sell.

Senator POMERENE. When was that?

Mr. REGAN. That was when I was at Madison.

Senator POMERENE. How long before this?

Mr. REGAN. Oh, a long time before this.

Senator POMERENE. About how long? Was it a year before?

Mr. REGAN. Yes; four years before.

Senator POMERENE. Was it longer than that?

Mr. REGAN. I do not think it was. No; I think it was between three and four years before, although I am not sure.

Senator POMERENE. How long had you and he been talking before the question of these lands came up?

Mr. REGAN. Oh, probably four or five minutes.

Senator POMERENE. Was something said about the deadlock in the legislature?

Mr. REGAN. The situation was talked over generally; yes.

Senator POMERENE. And as to how it could be overcome?

Mr. REGAN. No, sir.

Senator POMERENE. Was anything said about some of the Republicans not abiding by the result of the primary?

Mr. REGAN. I think that was talked over with the general features about the election of Senator Stephenson.

Senator POMERENE. Does not that suggest to you that something was said with reference to overcoming the failure on the part of the Republicans to comply with the result of that primary?

Mr. REGAN. There was nothing said to me about helping or trying to get around that difficulty.

Senator POMERENE. Did he talk with you about Mr. Ramsey?

Mr. REGAN. No, sir.

Senator POMERENE. Or Mr. Towne?

Mr. REGAN. No, sir. I never heard Mr. Towne's name until I met him—

Senator POMERENE. Or Mr. Farrell?

Mr. REGAN. Yes; he spoke about Mr. Farrell; but nothing specially.

Senator POMERENE. What did he say about Mr. Farrell?

Mr. REGAN. I can not remember just what he said; but I think he had heard from some one, he did not say who, that Farrell had had some dispute with Democratic members of the legislature about

running out when they were called out, as he claimed, by half-breed Democrats and Socialists.

Senator POMERENE. What else did he say on that subject?

Mr. REGAN. That is about all he said to me about it—that he had heard there had been some quarrel between these fellows and this crowd of Democrats and Socialists that was running out when they were called out, at the beck of some one else.

Senator POMERENE. Was it to the effect that Farrell had been going out when he should have stayed in?

Mr. REGAN. I can not say that. He said that he had understood that they had all gone out at times.

Senator POMERENE. And in that particular he spoke especially of Farrell?

Mr. REGAN. Oh, no, no.

Senator POMERENE. He mentioned him?

Mr. REGAN. He mentioned him and said he had understood there had been a quarrel among the Democratic members, and that Farrell was the one that was saying they had no business to go in and out at the beck of these other fellows.

Senator POMERENE. What did he say as to that?

Mr. REGAN. I do not remember that he said anything about that.

Senator POMERENE. Did he feel that Farrell would stay in the assembly during the joint ballot?

Mr. REGAN. I could not say what he felt.

Senator POMERENE. In that connection, did he say anything about Ramsey? Did he ask whether you knew Ramsey?

Mr. REGAN. He knew I did. Ramsey was in my assembly district.

Senator POMERENE. Did he say anything about it?

Mr. REGAN. I do not remember his stating a thing about Ramsey. I had never talked with Ramsey. I do not remember his saying a word, because I do not think Ramsey had got into this controversy at all. I never heard he had.

Senator POMERENE. He was overanxious to have Stephenson elected?

Mr. REGAN. He did not say he was overanxious, but I knew he was friendly to Mr. Stephenson. I knew that from his talk.

Senator POMERENE. He did discuss the idea of Farrell going out, or staying out?

Mr. REGAN. No. He discussed the idea of the Democrats going in and out.

Senator POMERENE. And in that connection he mentioned Farrell?

Mr. REGAN. Yes.

Senator POMERENE. Did he ask you about the assemblyman in your district?

Mr. REGAN. No, sir.

Senator POMERENE. Mr. Ramsey's name was mentioned; was it not?

Mr. REGAN. It might have been mentioned, but I do not remember it in connection with anything.

Senator POMERENE. You do not remember that it was not mentioned?

Mr. REGAN. I could not say that.

Senator POMERENE. Was Mr. Towne's name mentioned?

Mr. REGAN. No, sir.

Senator POMERENE. Are you sure of that?

Mr. REGAN. I am positive of it.

Senator POMERENE. Farrell's name was mentioned?

Mr. REGAN. Yes.

Senator POMERENE. And as to Ramsey's name, it might or might not have been mentioned?

Mr. REGAN. I would not say positively. It may have been mentioned.

Senator POMERENE. But you say Towne's name was not mentioned?

Mr. REGAN. No, sir. I did not know there was such a man in Wisconsin.

Senator POMERENE. After you had been to see Shields, you saw your attorney, Mr. Ryan, did you?

Mr. REGAN. No, sir; not until after this matter of the Wagner case came up.

Senator POMERENE. When did you first see Ryan to talk with him, after this first interview at the Pfister Hotel.

Mr. REGAN. I think it was when Ryan was in here on a case in court, after the Wagner matter had come out. I met Mr. Ryan at Weber & Stuber's restaurant. He was there at dinner with Judge Donnelly and J. L. O'Connor.

Senator POMERENE. Did you have a conference with Mr. Ryan at that time?

Mr. REGAN. Mr. Ryan told me to meet him, I think, about 3 or 4 o'clock, and he and I walked from where I met him at Weber's over to the St. Paul Depot.

Senator POMERENE. You had a conference with him on some of these matters?

Mr. REGAN. We talked over the matters; yes, sir.

Senator POMERENE. What do you mean by "the matters"?

Mr. REGAN. We talked over the matter of who was behind Wagner, and why Wagner told the story he did. Mr. Ryan knew Wagner.

Senator POMERENE. Did you mention Shields in that connection?

Mr. REGAN. I think I told him about my talk with Shields. I am not positive, but I think I did.

Senator POMERENE. What was your reason for talking to him about Shields?

Mr. REGAN. I say, I do not know that I did.

Senator POMERENE. You say you think you did?

Mr. REGAN. I might have done it; but what I wanted to do was to get at the fellows that framed up this story on me. Mr. Ryan was my attorney. That is why I talked with Mr. Ryan about it.

Senator POMERENE. You received a second telegram?

Mr. REGAN. Yes.

Senator POMERENE. Before coming to that, let us go back to the conversation at the Pfister Hotel. What was it that Shields said to you with reference to these lands?

Mr. REGAN. He said, "You had spoken to me while at Madison about getting the sale of a lot of cut-over lands of the Hines Co." I said, "Yes; I have a number of fellows here who want to get hold of such lands." He said, "I will get a list of those from the Hines Co. and send it to you."

Senator POMERENE. Was that all that was said on that subject?

Mr. REGAN. That is about all that was said on that subject. I had talked to him about getting those sales, being in the real estate business, and that I would like to sell the northern lands; that great quantities were being sold.

Senator POMERENE. At that time he had not seen the Hines people, and did not have under his control the sale of any of these lands?

Mr. REGAN. I think he had sold lots of those lands. I think he so told me.

Senator POMERENE. I am speaking of the lands that you were to sell. He did not then have any authority to sell any lands for the Hines people through you, did he?

Mr. REGAN. As I understood it, he had authority, or he was with the Hines people, and he was looking for me to sell those lands. That was the general understanding.

Senator POMERENE. He did not list any of these lands with you for sale?

Mr. REGAN. He said he would get a list from the Hines Co. and send it to me.

Senator POMERENE. Did he do it?

Mr. REGAN. No, sir; but he told me he would do it, and I went to my parties who wanted these lands and told them.

Senator POMERENE. Let me see if I understand you correctly. He came to you and talked about the Stephenson case?

Mr. REGAN. Yes.

Senator POMERENE. In connection with that he mentioned Farrell's name; you are uncertain whether he mentioned Ramsey's name, but he did not mention Towne's?

Mr. REGAN. No, sir.

Senator POMERENE. And then he talked with you about listing certain lands?

Mr. REGAN. Yes.

Senator POMERENE. Or about the sale of certain cut-over lands?

Mr. REGAN. Yes.

Senator POMERENE. A subject which you had mentioned to him about four years before that?

Mr. REGAN. Between three and four years.

Senator POMERENE. And he did not at this time list any lands at all with you, did he?

Mr. REGAN. No, sir.

Senator POMERENE. He said he would see the Hines people and get some of these lands?

Mr. REGAN. Yes.

Senator POMERENE. That is right, is it?

Mr. REGAN. Yes.

Senator POMERENE. Then he left you, and he never wrote you or communicated with you upon that subject? Is that correct?

Mr. REGAN. That is correct.

Senator POMERENE. Then what was the object of his visit?

Mr. REGAN. I can not tell you.

Senator POMERENE. He wired you, you think, from Chicago?

Mr. REGAN. I do not know where it was from, but my memory is that it was from Chicago. I am not sure.

Senator POMERENE. Are you sure it was not from Washington.

Mr. REGAN. I would say now that it was not from Washington.

Senator POMERENE. Let us understand. Do you mean that that is now your best recollection, or do you mean to swear positively that it was not from Washington?

Mr. REGAN. I would not swear positively to anything that was in writing unless I could see it.

Senator POMERENE. Very well. You were anxious to get those lands?

Mr. REGAN. Yes; I was not over and above anxious, but I would like to have had them.

Senator POMERENE. You were in the real-estate business?

Mr. REGAN. Yes.

Senator POMERENE. And you had a number of friends who wanted to buy these cut-over lands?

Mr. REGAN. Yes.

Senator POMERENE. And that was the way you made your living? You made your living by selling lands?

Mr. REGAN. I could make my living without selling lands.

Senator POMERENE. Oh, surely; but that was your occupation at that time?

Mr. REGAN. Yes; not selling northern lands, however.

Senator POMERENE. You received a second telegram from him?

Mr. REGAN. Yes.

Senator POMERENE. Where was that from?

Mr. REGAN. I think it was from Madison.

Senator POMERENE. What did it say?

Mr. REGAN. That he would be in Milwaukee on a certain day.

Senator POMERENE. What was the date of that?

Mr. REGAN. I could not tell you.

Senator POMERENE. You are quite sure that telegram was from Madison?

Mr. REGAN. I think it was.

Senator POMERENE. When you received it, did you have in mind anything that he wanted to see you about?

Mr. REGAN. No, sir.

Senator POMERENE. Did you not have in mind these cut-over lands?

Mr. REGAN. It might have been in connection with that and other things.

Senator POMERENE. Did you have it in mind?

Mr. REGAN. I can not remember what I had in my mind at the time.

Senator POMERENE. Did he say where he would meet you?

Mr. REGAN. I do not think he did.

Senator POMERENE. Did he tell you what time he would be over here?

Mr. REGAN. I think he telegraphed me that he would be in Milwaukee on a certain date.

Senator POMERENE. How long was that after the date of the telegram?

Mr. REGAN. It was probably a week or more.

Mr. LITTLEFIELD. Do you mean the date of the first telegram?

Mr. REGAN. Yes.

Senator POMERENE. No; after the date of the second telegram.

Mr. REGAN. How long after what?

Senator POMERENE. When did he say he would come to Milwaukee?

Mr. REGAN. I can not remember, but I think it was in the nature of the other telegram—the next day or that day. I will not be certain.

Senator POMERENE. Madison is a matter of 50 or 60 miles from here?

Mr. REGAN. About eighty-odd miles.

Senator POMERENE. He said to you that he would be in Milwaukee either on the next day or the day following?

Mr. REGAN. That is as I remember it.

Senator POMERENE. Did you go to see him?

Mr. REGAN. I did not see him.

Senator POMERENE. Did you go to see him?

Mr. REGAN. That is why I say I do not think he stated where he would be.

Senator POMERENE. Did you look him up?

Mr. REGAN. No, sir.

Senator POMERENE. Did you call him on the telephone?

Mr. REGAN. No, sir.

Senator POMERENE. Did you wire him?

Mr. REGAN. No, sir.

Senator POMERENE. Did you write him?

Mr. REGAN. No, sir.

Senator POMERENE. Did you have any talk with him afterwards about that telegram?

Mr. REGAN. No, sir.

Senator POMERENE. Have you seen him since?

Mr. REGAN. I saw him here in the Pfister Hotel the other evening.

Senator POMERENE. Did you not see him from February or March, 1909, until you saw him here the other evening?

Mr. REGAN. Yes; I did see him.

Senator POMERENE. Where?

Mr. REGAN. I saw him at the Plankinton Hotel.

Senator POMERENE. When?

Mr. REGAN. It must be four weeks ago.

Senator POMERENE. Did you see him shortly after the election of Senator Stephenson?

Mr. REGAN. No, sir; I did not.

Senator POMERENE. Do you not think it a little strange that this telegram would be sent by Shields from Madison, that you should receive it, you being anxious to sell these lands——

Mr. REGAN. I want you to get rid of that idea, that I was over-anxious to get rid of those lands.

Senator POMERENE. You had talk with him upon that subject?

Mr. REGAN. I had.

Senator POMERENE. And you never communicated with him after that?

Mr. REGAN. No, sir.

Senator POMERENE. Either upon the Stephenson subject or upon the land question?

Mr. REGAN. No, sir.

Senator POMERENE. Can you explain to us why?

Mr. REGAN. I can not explain to you why. That is just the way it is.

Senator POMERENE. Did you know to what this second telegram referred?

Mr. REGAN. I did not.

Senator POMERENE. He wanted to meet you, did he not?

Mr. REGAN. I think he said so. If I could see the telegram, I could very soon tell you.

Senator POMERENE. Where did you have those telegrams after you received them?

Mr. REGAN. I had them with my general lot of letters on a table in a back room where I lived. All my letters were there.

Senator POMERENE. You preserved these among your files, did you?

Mr. REGAN. I had them with the others, just the same, with other telegrams and letters on that table.

Senator POMERENE. Had you seen them at different times after you received them?

Mr. REGAN. No; I never saw them after I received them.

Senator POMERENE. You are sure you placed them among your files?

Mr. REGAN. I am.

Senator POMERENE. Will you explain why anybody would be interested in taking those telegrams?

Mr. REGAN. I can not explain it; but I say to you that he came back and told me that Wagner got hold of them.

Senator POMERENE. Who told you that?

Mr. REGAN. Wood; and he has told it to me since Wagner came to Milwaukee—that Wagner told him on State Street that he had those telegrams at Waukesha, and that if I would pay his expenses he would go out to Waukesha and get them. Wood came to me and told me that, and I said “I will pay the expenses; go out and get those telegrams.”

Senator POMERENE. You were pretty anxious to get them?

Mr. REGAN. Certainly I was. I wanted to find out who got them.

Senator POMERENE. Why were you interested in getting them?

Mr. REGAN. Would not anybody be interested if a man came into his house and stole letters or telegrams?

Senator POMERENE. I am trying to find out to what they referred.

Mr. REGAN. So am I.

Senator POMERENE. Was there anything else missing?

Mr. REGAN. Not that I remember, anything else. There might have been other letters missing, but I can not remember.

Senator POMERENE. More than two years have intervened since that occurred. In the course of your business or of your correspondence have you discovered any other letters or telegrams or writings of any kind that were missing from your house?

Mr. REGAN. I can not remember any.

Senator POMERENE. Just these two telegrams?

Mr. REGAN. Just those two. I did not know they were missing until Wood told me they were. I took him right to my home. We examined them and looked for them. I could not believe him.

Senator POMERENE. You did talk with Souther about those telegrams?

Mr. REGAN. He might have talked with me about those telegrams after Wood came back from Waupun. I let them do all the talking, because I was anxious at the time to get hold of some evidence

against the fellows that got this man to frame up that story on me. It was a vicious story, too. There was not a scintilla of truth in the whole matter.

Senator POMERENE. Have you any way of fixing the date of this conversation with Souther and with Wood at the Merrill Building, other than what you have given us?

Mr. REGAN. I have not. That is when it was, and that is when the arrangement was made with Wood to go to Waupun and see this man Wagner.

Senator POMERENE. You think you could not have had any conversation with either of them before that?

Mr. REGAN. Oh, I will not say that I could not have had any conversation.

Senator POMERENE. I mean upon that subject.

Mr. REGAN. Not on that subject, with both of them together; never. Their main object was to get this man Wagner out of State's prison. I learned that very quickly, and I learned afterwards they were willing to get hold of me in some way if they could get even with the people——

Senator POMERENE. Who?

Mr. REGAN. These friends of Wagner.

Senator POMERENE. Do you mean that Souther was conspiring against you?

Mr. REGAN. I mean to say that this man Wood had him in that deal. Why, they got up a petition here, and had it signed, to get Wagner out of State's prison.

Senator POMERENE. You and Souther had never had any differences?

Mr. REGAN. No, sir.

Senator POMERENE. And you testified here on yesterday to your very high regard for him personally?

Mr. REGAN. I did not say high regard. As far as I know him, I know nothing against him. He appears to be a good fellow.

Senator POMERENE. You made a statement here to the effect that you were of the opinion that he believed what he said?

Mr. REGAN. And I say so now. I make that same statement now.

Senator POMERENE. You do not mean to have us understand that you have an opinion now that Souther would conspire against you?

Mr. REGAN. No; I do not think he would. I do not think he would. I would not hint anything of the kind; but I do think he was overanxious, with the influence of Wood, to get this man out of State's prison.

Senator POMERENE. You do not think he was overly anxious to the extent that he would come in here and testify with regard to these telegrams and the contents of them?

Mr. REGAN. I do not think he knew anything about the contents of them, unless he got that information from Wood and Wagner.

Senator POMERENE. What object would he have in saying that you told him that Shields had said that he had come to you with *carte blanche* to look after the Stephenson matter?

Mr. REGAN. I can not understand what object he would have.

Senator POMERENE. You have no explanation to make of that?

Mr. REGAN. I have none. I can not understand why he should do so; but I do know that the matter of the telegrams was not men-

tioned at that meeting, because at that time I did not know they were gone. I supposed they were locked in my desk.

Senator POMERENE. When did you first miss those telegrams?

Mr. REGAN. After Wood had come to me and told me what Wagner told him at Waupun, I took Wood right by the arm, and I said: "Come with me to my house"; and I took him up there. It was not on Cass Street; it was on Marshall Street. I took him into the front parlor, and I went and got these boxes of letters, and we went through them carefully, and those telegrams; but we could not find them. That is when I first discovered they were missing.

Senator POMERENE. You did talk with Ryan, did you not?

Mr. REGAN. Yes.

Senator POMERENE. About these telegrams?

Mr. REGAN. Yes; after I learned they were stolen.

Senator POMERENE. Did you not yourself take those telegrams up to Ryan?

Mr. REGAN. No; I did not.

Senator POMERENE. Did you leave any papers with Ryan?

Mr. REGAN. No; not in this case.

Senator POMERENE. Let us make it broad enough. Did you leave with Ryan any papers in connection with the Wagner matter?

Mr. REGAN. No, sir.

Senator POMERENE. Or with the Shields episode?

Mr. REGAN. No; I did not. I did take to Ryan this letter that Wagner wrote, and we went over it together in his library.

Senator POMERENE. You took no telegrams?

Mr. REGAN. No, sir.

Senator POMERENE. Did you take any copies of them?

Mr. REGAN. No, sir.

Senator POMERENE. After you found that these telegrams were stolen, did you make any investigation at the telegraph offices here to find out whether or not they had copies of them on file?

Mr. REGAN. No, sir.

Senator POMERENE. Over what lines did these telegrams come?

Mr. REGAN. I could not say.

Senator POMERENE. Did they come through the Western Union or the Postal Telegraph Co.?

Mr. REGAN. I could not say.

Senator POMERENE. Did you receive the telegrams yourself, or did some member of your family receive them?

Mr. REGAN. I rather think they were brought to my house and my wife receipted for them; but I will not be positive of that.

Senator POMERENE. You have no way of fixing the date?

Mr. REGAN. No; I have not.

Senator POMERENE. When you had your talk with Mr. Souther and Mr. Wood, there was not any reason why you should not have mentioned these telegrams to them, or either of them?

Mr. REGAN. There was not any reason why I should have mentioned them.

Senator POMERENE. Will you answer my question?

Mr. REGAN. I say there was not any reason.

Senator POMERENE. You were talking generally about the Stephenson matter?

Mr. REGAN. No, sir.

Senator POMERENE. So far as it appertained to Wagner?

Mr. REGAN. Yes; but not to the Stephenson matter.

Senator POMERENE. And so far as your alleged relations with that election were concerned?

Mr. REGAN. My alleged relations, as pictured by Wagner.

Senator POMERENE. Since the receipt of those telegrams, have you ever taken up with Shields the matter of the sale for the Hines Co. of these cut-over lands?

Mr. REGAN. No, sir. After the report from Madison and what was done there I kept away from Shields.

Senator POMERENE. So the question of this sale of lands died "a-borning," did it?

Mr. REGAN. Well, it was forgotten in relation to the whole thing when this other question came up. This was more important to me than the sale of the whole north part of Wisconsin—that is, to get at who tried to libel me.

Senator POMERENE. You never talked with Wagner about these telegrams, did you?

Mr. REGAN. I should say not.

Senator POMERENE. You have no personal knowledge of whether or not he had them?

Mr. REGAN. No. I have knowledge that he was at my home and at that table. I have knowledge that he told Wood he got them.

Senator POMERENE. There were also other people at your house?

Mr. REGAN. Oh, lots of them, a great number; but they were not connected with this frame up of his.

Senator POMERENE. How would Wagner get information about those telegrams?

Mr. REGAN. I could not tell you. That is what I have been trying to ferret out ever since it happened.

Senator POMERENE. When did you first consult with your attorney about this?

Mr. REGAN. The first talk I had was the day I met him here; and while I will not be positive, I think it was the next day after this great exploit of Wagner's had come out at Madison.

Senator POMERENE. When was that?

Mr. REGAN. That was on the 5th or 6th of May, when he went before that committee.

Senator POMERENE. 1909?

Mr. REGAN. Yes; I think that was the date.

Senator POMERENE. How long was it after that?

Mr. REGAN. I may be mistaken as to the date. I am not positive.

Senator POMERENE. We will assume now, for the moment, that that was the date, without committing you to it.

Mr. REGAN. I will not be certain of that.

Senator POMERENE. I understand. How long was it after that that you first consulted Mr. Ryan about it?

Mr. REGAN. It was the day that Mr. Ryan was at dinner with Judge Donnelly and Mr. O'Connor at Weber & Stuber's restaurant, and I met him, that he came to me and talked this matter over.

Senator POMERENE. How long was that after that?

Mr. REGAN. I think it was just a day or two after that. I think it was either the next day or the second day.

Senator POMERENE. Did you learn that Mr. Ryan was to be in town?

Mr. REGAN. No, sir; I ran onto him accidentally.

Senator POMERENE. What is Ryan's first name?

Mr. REGAN. Timothy E. Ryan.

Senator POMERENE. You talked with him on the way to the depot?

Mr. REGAN. Yes.

Senator POMERENE. At that time did you have those telegrams with you?

Mr. REGAN. No, sir.

Senator POMERENE. Did you tell him about those telegrams?

Mr. REGAN. No, sir.

Senator POMERENE. Did you mention the subject of Shields being over here and talking with you upon this subject?

Mr. REGAN. I think I might have; yes, sir. I think we did that day.

Senator POMERENE. If you talked with him on that subject, did he not say to you that he would like to see those telegrams?

Mr. REGAN. He did not say anything about those telegrams to me.

Senator POMERENE. Did he not ever make a request to you about the telegrams?

Mr. REGAN. No, sir.

Senator POMERENE. Did he ever render you a bill for his services?

Mr. REGAN. Yes.

Senator POMERENE. Was it itemized?

Mr. REGAN. No.

Senator POMERENE. He had been your regular counsel, had he?

Mr. REGAN. Yes, sir.

Senator POMERENE. Was there any date on this bill showing when he had rendered the services?

Mr. REGAN. The only bill that Mr. Ryan ever rendered me was for services in a trial that I had at Madison, and he sent me a general bill of \$350. He did not send it to me, but the attorneys at Madison sent it to him.

Senator POMERENE. He made no specific charge for that consultation here in the city?

Mr. REGAN. Oh, no. I have counseled with him probably a hundred times since, and we counsel as friends all the time.

Senator POMERENE. Mr. Regan, yesterday—without going into all the details of it—you made some charges on the stand about Lieut. Gov. Morris and Senator Marsh and Senator Husting in connection with this Wagner episode. You seemed to be of the opinion that they were very active in the matter.

Mr. REGAN. I certainly knew they were.

Senator POMERENE. You knew that Gov. Morris was, did you?

Mr. REGAN. He was one of that committee, and I knew what the committee was doing.

Senator POMERENE. Do you not know that Gov. Morris was out of the State during the entire time this testimony was being taken?

Mr. LITTLEFIELD. Does the Senator mean the testimony of Wagner?

Senator POMERENE. I refer to the entire episode, so far as the testimony before the senate committee was concerned.

Mr. REGAN. No, sir. I learned last evening that he was not in the room with Wagner at the time Wagner told the story to the committee.

Senator POMERENE. Yes; and he was not sitting on the committee for a matter of several weeks.

Mr. REGAN. I was not there at that time.

Senator POMERENE. You do not know about that?

Mr. REGAN. I did not know it at that time. I supposed he was there.

Senator POMERENE. You want to modify your testimony in that respect, do you not, as far as Morris is concerned?

Mr. REGAN. I certainly would, if he was not on the committee; I would be glad to take it back.

Senator POMERENE. Is not this also true: That after the other members of that committee (Senator Husting and Senator Marsh) had made this investigation, and had taken the testimony at the Plankinton Hotel, they came out in a card, which was published in all of the newspapers here, to the effect that they placed no reliance upon that episode?

Mr. REGAN. That is true; and that is why I blame them. Why did not they investigate that before they put that man on the stand and he lied about me? They were here in Milwaukee once or twice, three or four times, from the time that story was told to them before they put him on the stand; and why did not they go to the hotel, or why did not they go——

Senator POMERENE. That is, you think they ought to have satisfied themselves about the truth of the matter before they investigated it?

Mr. REGAN. They ought to have investigated the matter before they put a man onto the stand to libel me, because their action after they had had him before the public, in taking him down here to investigate, whether it was true or not, convicts them that they did not believe him. And when he went with his story to Mr. Hoyt and all the others, they all laughed at him and said they did not take any stock in it. Why should not three attorneys know that he was lying when he told that fool of a story to them there in a room for three hours?

Senator POMERENE. They perhaps did not know as much about this as you did.

Mr. REGAN. They did not know their business, or they would not put a man on the stand to libel a lot of people, without making some inquiry about it.

Senator POMERENE. There was a good deal of a stir in Madison at that time, was there not?

Mr. REGAN. Yes, sir; there was.

Senator POMERENE. And for a number of weeks before?

Mr. REGAN. Yes, sir. And I say that no other man believed his story but them.

Senator POMERENE. Just a moment. This committee and the joint committee as well were trying to get at the truth of it; were they not?

Mr. REGAN. I would not say so.

Senator POMERENE. I think that is all I care to ask.

Mr. LITTLEFIELD. Timothy E. Ryan, who lived at Waukesha, was how old a man?

Mr. REGAN. He was a man 52 years old. He died last July. He was a member from Wisconsin of the Democratic national committee.

Mr. LITTLEFIELD. That is what I was going to ask. He is the same Timothy E. Ryan?

Mr. REGAN. Yes, sir.

Mr. LITTLEFIELD. How long had he been your personal counsel?

Mr. REGAN. Since 1882.

Mr. LITTLEFIELD. He was a man of high character, was he?

Mr. REGAN. You bet he was.

Senator POMERENE. He was a Democrat.

Mr. REGAN. Yes—and a good one.

Mr. LITTLEFIELD. In this matter of the investigation before the senate committee, I want to call your attention to the fact that on April 13, 1909, when the committee began, there were present Spencer M. Marsh, Thomas Morris, and Paul O. Husting. When was it, if you remember, that the Wagner episode was developed?

Mr. REGAN. I would not be positive; but as I remember, it was some time the fore part of May.

Mr. LITTLEFIELD. That was May 5?

Mr. REGAN. Yes, sir.

Senator POMERENE. On page 1491 you will find the testimony taken in the Plankinton House. That was on May 6.

Mr. LITTLEFIELD. And on page 5 you will find that Thomas Morris started in with the senate committee.

Senator POMERENE. That is what day?

Mr. LITTLEFIELD. That is April 13, 1909, at 2 p. m. I am going to run through the record (the Senate Journal) to ascertain how long Brother Morris stayed with the committee, if the record shows. It will take a little time. On page 407 I notice that Senator Morris is propounding questions. On page 910 I notice that Senator Morris is also propounding questions.

Senator POMERENE. What date is that?

Mr. LITTLEFIELD. I have not the date. I have not had time to look it up. On page 406 Senator Morris is present in the committee, interrogating witnesses.

Senator POMERENE. I will refer you to a time later than that. On page 910 he is present and interrogating. That is on April 29. The date is on page 906.

Mr. LITTLEFIELD. Yes. That is April 29. Has the Senator the dates from the record showing when he was present?

Senator POMERENE. No, I have not. I did not examine the record as to it. I based my questions on some outside information that I had.

Mr. LITTLEFIELD. On April 29 Senator Morris was there, and Wagner was examined on May 5. So that he could not have been away more than five days.

Mr. REGAN. That was Tuesday, May the 5th. I think it was on Tuesday.

Mr. LITTLEFIELD. So that Senator Morris could not have been absent more than five days, if he was absent that number of days, before Wagner was examined.

Senator POMERENE. Who was the chairman of that committee?

Mr. REGAN. Senator Marsh.

Mr. LITTLEFIELD. As I understand, your information is that the committee were in the possession of Mr. Wagner's statement nearly a month before they placed Wagner on the stand?

Mr. REGAN. So Senator Marsh admitted, under oath, at Madison, in the trial of Wagner.

Mr. LITTLEFIELD. He testified on oath that the committee had possession of Wagner's testimony about a month before Wagner was put on the stand.

Mr. REGAN. Yes, sir; when Mr. Yockey asked him that question.

Mr. LITTLEFIELD. And that was at least three weeks before Senator Morris did not happen to be with the committee?

Mr. REGAN. Mr. Yockey asked him the question; he said: "Senator, you—the committee—had this story of Wagner's under your hat for about a month before you put him on the stand?" He said, "Yes, sir; as I remember." Then the district attorney stopped Mr. Yockey from asking Mr. Marsh any more questions about that.

Senator POMERENE. On May 1, 1909 (page 1036), it seems that Senators Marsh and Husting were present. Senator Morris was not there.

Mr. LITTLEFIELD. That is all.

TESTIMONY OF W. J. SOMMER.

W. J. SOMMER, having been previously sworn, was examined and testified as follows:

Senator POMERENE. Your name is W. J. Sommer?

Mr. SOMMER. Yes, sir.

Senator POMERENE. Where do you live, Mr. Sommer?

Mr. SOMMER. Superior, Wis.

Senator POMERENE. What is your business?

Mr. SOMMER. I am connected with the shoe business, and president of the Palace Market Co.

Senator POMERENE. In Superior, Wis.?

Mr. SOMMER. Yes, sir.

Senator POMERENE. And you have been engaged in business there for quite a number of years?

Mr. SOMMER. Somewhere around 16 years.

Senator POMERENE. Do you know R. J. Shields?

Mr. SOMMER. Yes, sir.

Senator POMERENE. How long have you known him?

Mr. SOMMER. I have known Mr. Shields about 17 years.

Senator POMERENE. Do you remember the occasion of the election of Senator Stephenson on March 4, 1909?

Mr. SOMMER. Only what I read about it in the newspapers?

Senator POMERENE. After that did you have any talk on the subject with R. J. Shields?

Mr. SOMMER. No, sir.

Senator POMERENE. At no time?

Mr. SOMMER. No, sir.

Senator POMERENE. Did you not have a talk with him at Superior, after the election of Senator Stephenson, in which you and he discussed the occurrences in connection with the election?

Mr. SOMMER. No, sir; not to my recollection, because I was not connected with it. I was not interested to inquire about it. I was out of politics.

Senator POMERENE. Did you have a talk with him in which he said to you, in substance, in referring to the Stephenson election, that they had had "a hell of a time at Madison to elect Senator Stephenson; that they had to use money to keep some members in for Stephenson"?

Mr. SOMMER. No, sir; positively not.

Senator POMERENE. Did you have any talk of that kind?

Mr. SOMMER. No, sir.

Senator POMERENE. Do you know C. H. Crownhart?

Mr. SOMMER. Yes, sir.

Senator POMERENE. Did you at any time talk with him on this subject?

Mr. SOMMER. Not to my knowledge. There might have been some rumors around there——

Senator POMERENE. Did you at any time say to Mr. Crownhart that you had a talk with Mr. Shields substantially as I have indicated?

Mr. SOMMER. I have no recollection whatever to that effect—that I ever talked with Crownhart about this election.

Senator POMERENE. Mr. Crownhart lives in Superior, does he?

Mr. SOMMER. Yes, sir.

Senator POMERENE. That is all I care to inquire.

Mr. LITTLEFIELD. Mr. Crownhart is now a member of the Republican State administration?

Mr. SOMMER. I do not know.

Mr. LITTLEFIELD. Do you know whether he is a prominent Half-breed?

Mr. SOMMER. Why, I presume he is.

Mr. LITTLEFIELD. There is not any doubt about that, is there?

Mr. SOMMER. I guess not.

Mr. LITTLEFIELD. And as such he holds an office in the State of Wisconsin, does he not?

The CHAIRMAN. Is there such an office in the State of Wisconsin?

Mr. LITTLEFIELD. Well, he holds it by virtue of being a Half-breed. [To Mr. Sommer:] He holds an office by virtue of being a Half-breed just the same, does he not? You do not have any doubt about that, do you?

Mr. SOMMER. I presume that is so.

Mr. LITTLEFIELD. Nor has anybody else any doubt about it. That is all.

Senator POMERENE. Are you a Half-breed or a Stalwart?

Mr. SOMMER. I am out of politics entirely.

Mr. LITTLEFIELD. I do not know what your politics are.

Mr. SOMMER. I am a Republican.

Senator POMERENE. You take some interest in politics?

Mr. SOMMER. Not very much, Senator. I have not been taking any interest in politics in the last eight years.

Senator POMERENE. I will not ask you to commit yourself on that subject.

Mr. LITTLEFIELD. That is all, Mr. Sommer.

TESTIMONY OF ROBERT J. SHIELDS—Recalled.

The CHAIRMAN. You have been sworn?

Mr. SHIELDS. Yes, sir.

The CHAIRMAN. You have been present and heard M. J. Regan testify yesterday and to-day, have you?

Mr. SHIELDS. No, sir. I did not hear Mr. Regan's testimony.

The CHAIRMAN. You were present in the court room, were you not?

Mr. SHIELDS. No, sir.

The CHAIRMAN. When your name was called this morning somebody answered.

Mr. SHIELDS. I was here this morning; yes, sir; but not yesterday. You asked if I was here yesterday and to-day.

The CHAIRMAN. You were here this morning when he was testifying with regard to receiving certain telegrams?

Mr. SHIELDS. Yes, sir. I heard that part of the testimony.

The CHAIRMAN. Did you telegraph Mr. Regan from any point, making an appointment to meet him at any time in this city?

Mr. SHIELDS. I do not think so.

The CHAIRMAN. He has testified that he received a telegram from you requesting that he meet you here on business; and he says that business was with reference to the purchase or the consideration of the purchase of certain cut-over lands in the northern portion of this State. Did you ever have any such business with him?

Mr. SHIELDS. Oh, yes; I had talked with him several times about cut-over lands.

The CHAIRMAN. He says that you telegraphed him, he thinks, from Chicago, making an appointment at the Pfister Hotel, and then that you sent him a second telegram. Did you send him such telegram?

Mr. SHIELDS. I do not recall ever having sent any telegrams.

The CHAIRMAN. He says that in pursuance of the telegram you met him here and talked over certain matters at the hotel.

Mr. SHIELDS. I think I met Mr. Regan here in Milwaukee.

The CHAIRMAN. Was it pursuant to a telegram?

Mr. SHIELDS. I do not remember that it was.

The CHAIRMAN. Can you fix the date of it?

Mr. SHIELDS. No; I can not fix the date of it.

The CHAIRMAN. Can you fix the date with reference to the investigation at Madison?

Mr. SHIELDS. I think I saw him in Milwaukee during the balloting for Senator at Madison.

The CHAIRMAN. You did see him?

Mr. SHIELDS. I think I met him in Milwaukee; yes.

The CHAIRMAN. During the balloting?

Mr. SHIELDS. During the time they were taking the vote out there at Madison.

The CHAIRMAN. That is, before the election of Senator Stephenson?

Mr. SHIELDS. Yes, sir; I think I saw him.

The CHAIRMAN. About how long before?

Mr. SHIELDS. I can not tell.

The CHAIRMAN. Did you on that occasion register at the Pfister Hotel?

Mr. SHIELDS. I can not say as to that. I think I did, however. If I was here, I think I registered.

The CHAIRMAN. Did you have conversation with him at that time in regard to any matters?

Mr. SHIELDS. I do not recall talking to him; saying much to him. I do not remember much about it. I think I saw Mr. Regan in Milwaukee; and yet I am not clear on the matter.

The CHAIRMAN. Mr. Regan has testified that you had some conversation in regard to the Stephenson election, and some conversation in regard to the purchase or sale of some cut-over lands, and that that was the real question that brought you together.

Mr. SHIELDS. I have talked with him, presumably, on both subjects. I presume the subject was discussed, if I talked with him. But now I do not recall talking with Mr. Regan. I may have seen him and talked with him. I do not recall much about it.

The CHAIRMAN. Will you undertake to testify that you did not make an appointment to meet him here, and did not meet him pursuant to the appointment?

Mr. SHIELDS. I have no recollection of having sent him any telegram.

The CHAIRMAN. Would you be willing to swear that you did not send him the telegram pursuant to which you met him in Milwaukee?

Mr. SHIELDS. Do you ask me to testify to my best recollection?

The CHAIRMAN. Yes.

Mr. SHIELDS. I should say I did not send the telegram.

The CHAIRMAN. I will call your attention to his testimony when I find it in the record.

Mr. SHIELDS. I heard his testimony; some of it.

The CHAIRMAN. Yesterday?

Mr. SHIELDS. No, sir; not yesterday.

Senator POMERENE. You mean you heard it this morning?

Mr. SHIELDS. Yes; I heard him testify when you [Senator Pomerene] were interrogating him. I can not reconcile the reason for the telegram.

The CHAIRMAN. I will call your attention to his specific testimony in regard to that matter. Mr. Regan had testified to certain telegrams being stolen, and he was asked:

What was in these telegrams that you say were stolen? From whom were they sent?

Mr. REGAN. They were from Shields.

The CHAIRMAN. They were from Shields?

Mr. REGAN. Yes.

The CHAIRMAN. Do you remember the dates of them?

Mr. REGAN. One was along about, I think, the middle of February.

The CHAIRMAN. What year?

Mr. REGAN. 1909.

The CHAIRMAN. And the other?

Mr. REGAN. The other was, I think, a week later. Somewhere about a week later.

The CHAIRMAN. What was the contents of that first telegram?

Mr. REGAN. The first telegram was that he would be in Milwaukee on the following Saturday, I think, and that he would like to see me.

The CHAIRMAN. Did he say where he would meet you here?

Mr. REGAN. At the Pfister Hotel.

The CHAIRMAN. Did he come?

Mr. REGAN. Yes, sir.

The CHAIRMAN. Did you have an interview with him?

Mr. REGAN. Yes, sir.

The CHAIRMAN. What was said by Mr. Shields and by you at that interview?

Mr. REGAN. The first part of our interview was the general talk about the general contest at Madison, what was going on, etc., but the main talk of our interview was about some cut-over lands in the northern part of Wisconsin.

After some interruption by counsel, the testimony proceeds:

The CHAIRMAN. Was that the question that brought him here to discuss with you?

Mr. REGAN. I do not know what brought him here. That was the question that got him to notify me, because I had talked with him several times about getting lands to sell.

Are those statements true?

Mr. SHIELDS. Well, I do not know. I do not recollect sending any telegram.

The CHAIRMAN. Might they be true? I mean according to your judgment; your recollection?

Mr. SHIELDS. I do not recollect sending any telegrams. Outside of that, I may have met Mr. Regan and talked with him and discussed both of these questions with him. But I do not remember. I have heard so much about these telegrams that I challenge any man to produce them. I would like to see them.

The CHAIRMAN. The committee is quite as much interested in that as you are.

Mr. SHIELDS. I am really of the mind that I did not send any telegrams; but I can not——

The CHAIRMAN. I will further read to you from the statement of Mr. Regan. It may refresh your memory:

The CHAIRMAN. You say you discussed, generally, the political situation, and the Stephenson situation. Let us see what that discussion was.

Mr. REGAN. As nearly as I can remember, the substance was what the outcome of this fight at Madison was going to be, and if I had been out there. I said no; that I had not been out there.

Now do you recall that conversation?

Mr. SHIELDS. No. I may have talked with Mr. Regan. I do not recall it.

The CHAIRMAN. You say you "may have talked." That will not do for an answer, because you may have done anything. The question here is: Did you? You now have the responsibility of remembering.

Mr. SHIELDS. I can not say. I am of the mind that I saw Mr. Regan here at some time—I can not recall the time—and I may have discussed this question with him, but I do not recall this particular meeting or this particular conversation.

The CHAIRMAN. You say it "may" have happened. Then his testimony would have to stand, unless you can say that it did not happen. I will read further:

And I was asked if I was going out there, and I said no, that I was not going out there. I think he asked me what I thought about it. I simply said that Mr. Stephenson had won out at the primary and that I thought he was entitled to the support of his party.

Do you remember that conversation? That is supposed to be a part of the same conversation.

Mr. SHIELDS. No; I do not recollect that.

The CHAIRMAN. I will read a little further. Sometimes one's mind is——

Mr. SHIELDS. Senator, let me say this: If I had a conversation with Mr. Regan here at that time, or the time he says, possibly these questions may have come up, and they may have been discussed in this way. But I do not recall the conversation. I do not recall the facts in relation to it.

The CHAIRMAN. He does recall them, and you do not. These things may refresh your memory. One's memory sometimes is brought back by one particular part of a conversation when it would not be brought back by another. So I will read you all of it:

I said they were the ones that brought out the primary election law and got it on the statute books, and I said I was always opposed to it, and more than ever now; and I said he beat them at their own game, and they ought to keep still and let him go to the Senate. That is what I said.

Do you remember such a conversation as that?

Mr. SHIELDS. I do not remember what was said there.

The CHAIRMAN. Then I asked him:

Did he ask you to go to Madison for any purpose?

Mr. REGAN. No, sir; he did not.

The CHAIRMAN. Did he tell you that he had any money or authority to use any money, or to get money, for the purpose of aiding in Senator Stephenson's election?

Do you remember his asking you that question?

Mr. SHIELDS. No, sir.

The CHAIRMAN. Or that you discussed that question with him?

Mr. SHIELDS. I do not remember the conversation.

The CHAIRMAN. Might that conversation have occurred?

Mr. SHIELDS. Yes; it might have occurred if I was talking with him. I have no reason to evade this question. I can not reconcile my visit with him. If I could get in my mind that I had a purpose in meeting him, why, I might remember some of it. But I do not recall the particular instance in which this conversation has been stated here.

The CHAIRMAN. Aside from this particular instance, do you remember meeting him?

Mr. SHIELDS. Oh, I have met Mr. Regan.

The CHAIRMAN. During that time?

Mr. SHIELDS. I think I met Mr. Regan during that time some time; yes.

The CHAIRMAN. During the time the contest was pending?

Mr. SHIELDS. Yes, sir.

The CHAIRMAN. Was it an accidental meeting?

Mr. SHIELDS. Well, I presume—from my end it was, as near as I can recall it now. I was at the Pfister Hotel and Mr. Regan was there, or came there; and if I met——

The CHAIRMAN. He testifies that he received a second telegram from you——

Mr. LITTLEFIELD. Will the chairman give me the page he was reading from in connection with the previous testimony? We want to keep track of it on the notes.

The CHAIRMAN. I read over from page 253 onto page 254.

Mr. LITTLEFIELD. Thank you.

The CHAIRMAN. He says he received a second telegram from you, and that you came here as you had promised him in that telegram. That is in effect his testimony, as I understand. Is that true? There is no doubt that he testifies that he received a second telegram from you.

Mr. SHIELDS. I do not recollect sending any telegram to him. Really, I do not.

The CHAIRMAN. How do you send your telegrams? Do you have stubs in a book in which you write them and send them out?

Mr. SHIELDS. As a rule I know what telegrams I send. If I send them from my home town, or if I am anywhere, I generally keep a copy.

The CHAIRMAN. I want to know how you send your telegrams—whether from a stub book or not; that is, from blanks which are bound up?

Mr. SHIELDS. Oh, no.

The CHAIRMAN. You do not?

Mr. SHIELDS. Oh, no.

The CHAIRMAN. Do you keep copies of them?

Mr. SHIELDS. Whenever they are sent from my office or anywhere, copies are always kept.

Senator POMERENE. What do you mean by “anywhere”? You say “from my office or anywhere.”

Mr. SHIELDS. I say, if I am in an office connected with our company, copies are kept. If I am away somewhere, I presume I send telegrams without ever keeping a copy of them.

The CHAIRMAN. Do you swear that you did not send him the two telegrams to which your attention has been called?

Mr. SHIELDS. I swear that to the best of my recollection I never sent him these two telegrams. That is what I swear, and I believe that I did not. Yet I do not want to say positively that I did not send a telegram. But to the best of my recollection I did not send any telegram, and I can not reconcile the reason for sending the telegram.

The CHAIRMAN. Did you and Mr. Regan converse with reference to Mr. Farrell, a member of the legislature? Did you have a conversation in which Mr. Farrell's name was mentioned?

Mr. SHIELDS. I did not know Mr. Farrell at all, and I do not see how I could have mentioned Mr. Farrell's name.

The CHAIRMAN. You might refer to him without knowing him. You might know of him.

Mr. SHIELDS. I do not think I mentioned Mr. Farrell's name.

The CHAIRMAN. Did Mr. Regan mention Mr. Farrell's name to you?

Mr. SHIELDS. If this conversation took place, he may have mentioned it.

The CHAIRMAN. You heard him testify in regard to that this morning?

Mr. SHIELDS. Yes; I heard him testify.

The CHAIRMAN. Was that true—the statement that Farrell's name was mentioned?

Mr. SHIELDS. I do not know whether it is true or not. If we had a conversation (as he says we did, although I can not recall), he may have mentioned Mr. Farrell's name. But I do not recall the conversation, and I do not recall the reason why Mr. Farrell's name should come up. I had no interest in Mr. Farrell, and knew nothing about Mr. Farrell's conduct or what he was doing; and hence I can not see why I should have said anything.

The CHAIRMAN. Do you remember discussing Mr. Ramsey's position on the senatorial question?

Mr. SHIELDS. I never heard of Ramsey, to my recollection, until after the vote at Madison. I never knew there was such a man. I did not know Mr. Ramsey in his lifetime. I never talked with him in my life.

The CHAIRMAN. Mr. Regan testified yesterday, on page 255 of the testimony, as follows:

The CHAIRMAN. I quote that from the records; so there is no question about those dates. Did Mr. Shields discuss with you at all the question of the election of Senator Stephenson?

Mr. REGAN. We talked it over generally; yes, sir.

Mr. LITTLEFIELD. Is that page 255?

The CHAIRMAN. Yes; page 255, near the bottom.

Mr. SHIELDS. I say to you gentlemen in all candor that if a conversation took place here between Regan and I, presumably something was said about Senator Stephenson's election. That may have been said. But I do not recall it, because I do not recall the conversation.

The CHAIRMAN. I asked him in regard to the second telegram. I read from page 256:

The CHAIRMAN. What was the second telegram about?

Mr. REGAN. I think it was that he would be in Milwaukee on a certain day.

The CHAIRMAN. That was an appointment; was it not?

Mr. REGAN. Yes, sir. I say that is what it was.

The CHAIRMAN. That was the second telegram?

Mr. REGAN. That was the second telegram—that he would be in Milwaukee. I can not say just the day, but some day near by, shortly after my receiving the telegram.

Mr. SHIELDS. When was this telegram? When does it purport to have been sent—what time, or when?

The CHAIRMAN. The question is for you to answer; not the committee.

Mr. SHIELDS. I do not know. I should like to know.

The CHAIRMAN. Did you send him a second telegram, as he states in that testimony?

Mr. SHIELDS. I do not recollect ever having sent it.

The CHAIRMAN. Do you say you did not?

Mr. SHIELDS. I will say to the best of my recollection I did not.

The CHAIRMAN. He appears to recollect that you did. Do you say you have no recollection on the subject?

Mr. SHIELDS. I have no recollection of having sent him this second telegram.

The CHAIRMAN. But you do not say that your recollection is sufficient to enable you to say that you did not send it? It is a negative recollection, is it—a failure to recollect?

Mr. SHIELDS. I do not know whether it is a failure. I can not get the reason why I sent it. I do not know whether I sent it. I do not believe I did.

The CHAIRMAN. Would the production of those telegrams aid you any?

Mr. SHIELDS. Very much; very much.

The CHAIRMAN. In what way?

Mr. SHIELDS. I would know then whether I sent them or not. I do not believe I ever sent them.

The CHAIRMAN. Would you know why you sent them if you could see them?

Mr. SHIELDS. No; I would not.

The CHAIRMAN. Would your mind be refreshed as to the occasion of sending them?

Mr. SHIELDS. Why, I might know where I was at the time I sent them, and I could——

The CHAIRMAN. Suppose we start you with saying that the first one was from Chicago and the second one from Madison. Are you enabled now to remember why you sent them and whether you sent them?

Mr. SHIELDS. Oh, I do not think I sent the telegrams. I can not recall.

The CHAIRMAN. Do you think you did not?

Mr. SHIELDS. Yes; I think I did not. I really think I did not send them.

The CHAIRMAN. Do you know anything of a special train being hired during the legislative contest at Madison?

Mr. SHIELDS. Yes, sir.

The CHAIRMAN. Who hired it?

Mr. SHIELDS. I did.

The CHAIRMAN. For whom?

Mr. SHIELDS. To bring a man from Milwaukee into Madison.

The CHAIRMAN. Who was the man?

Mr. SHIELDS. A man by the name of Roeder.

The CHAIRMAN. You paid for the train?

Mr. SHIELDS. I did.

The CHAIRMAN. Did anybody ever repay you?

Mr. SHIELDS. No, sir.

The CHAIRMAN. Who was Mr. Roeder?

Mr. SHIELDS. I do not know the man.

The CHAIRMAN. How much did you pay for the train?

Mr. SHIELDS. I do not recall the amount now. It was something over \$100.

The CHAIRMAN. How did you come to pay for a train for a man that you did not know?

Mr. SHIELDS. During the senatorial contest out there Mr. Overbeck used to keep track of the vote as it was taken daily.

Senator POMERENE. Henry Overbeck?

Mr. SHIELDS. Yes, sir. This day—I do not recall just the day—but this day, after the ballot was taken and Senator Stephenson's election was not ratified, a group of fellows were around talking about the improbability of the election of the Senator——

The CHAIRMAN. This was March 4, was it?

Mr. SHIELDS. No; it was before that.

The CHAIRMAN. How long before?

Mr. SHIELDS. I think this occurred on—well, either the 1st or the 2d; I do not just recollect.

The CHAIRMAN. Not the 3d? Was it not the day of the tie vote?

Mr. SHIELDS. Well, maybe it was. I will tell you—I will give it to you as it was.

The CHAIRMAN. All right. Go ahead. Let us hear about it.

Mr. SHIELDS. It was said out there every day that the Senator was going to have sufficient votes to be declared elected.

The CHAIRMAN. When you say "out there," you mean at Madison, I suppose?

Mr. SHIELDS. I mean at Madison; yes, sir. Along in the evening some time there was a group of fellows talking. Among them I recall Overbeck. I was in the crowd. They said that this man Roeder was absent, and that the election would take place the next day if he

was there. I said: "Well, isn't there any way to get him here?" They seemed to be at a standstill as to what to say. Overbeck said that Senator Stephenson and his representatives there could not hire this train. I said: "Why not get a special and get him over here, or get something to get him here with—some kind of a conveyance?"

The CHAIRMAN. Where was he?

Mr. SHIELDS. He was at Antigo, Wis., his home. Overbeck said he had talked with Mr. Hyzer and Mr. Black and somebody——

Senator POMERENE. With whom?

Mr. SHIELDS. Mr. Hyzer or Mr. Black—I do not recall just who he said; but it was the attorneys—and that they could not hire it; that they could not bring him over for some reason or other. I did not say very much; but I went away, and I went down to the depot, more particularly to find out what it would cost to bring the fellow across. I found out that it would cost something over \$100; and I told the fellow: "You arrange with Mr. Roeder to come to Milwaukee to-night and have a train there for him to bring him to Madison," and I paid the bill; and the fellow came, and the man was not of any use after he came. The election did not take place.

The CHAIRMAN. He voted for Senator Stephenson on the ballot that elected him; did he not?

Mr. SHIELDS. Yes; I suppose he did. He was voting for Senator Stephenson all of the time.

The CHAIRMAN. Let us see if we can fix that day. He voted on the 3d.

Mr. SHIELDS. I do not remember the day.

The CHAIRMAN. I am looking at the journal. I want this for the record.

Mr. SHIELDS. He voted every day that he was there, as I understand it. I did not talk with him and did not know him; but I told Overbeck. I think Overbeck heard it the next day. He found fault with me because I did it. He said I had no business to do it.

Senator POMERENE. Please repeat that.

Mr. SHIELDS. I say, Overbeck the next day found fault about it, or said something about it. I did not pay any attention to it. It was not material to me. I would have liked to have seen the Senator elected. I would have brought him there.

The CHAIRMAN. Did you ever charge this against any campaign moneys or any moneys that had been furnished you by Senator Stephenson's committee, or any person for him?

Mr. SHIELDS. No. I never got back what I spent.

The CHAIRMAN. Did you ever present any claim for it?

Mr. SHIELDS. No, sir; I did not. The result of the thing was a failure, and I never said anything about it. It was not of any purpose after he got there he did not do any good.

The CHAIRMAN. Did anybody else come on that special train besides Mr. Roeder?

Mr. SHIELDS. I do not know a thing about it. That is the last information I had in relation to it. I did not even meet Mr. Roeder or know he was there.

The CHAIRMAN. Were you acquainted with him?

Mr. SHIELDS. No, sir; I do not know him. I never talked with him that I recall.

The CHAIRMAN. Did you learn why Mr. Roeder was absent, and what was the necessity of bringing him on a special train?

Mr. SHIELDS. No; I did not. They just said that if he was there the next day, they thought the election would be ratified. That is what Overbeck said. He kept saying that every day.

The CHAIRMAN. How long were you there? You seem to have been right on the ground.

Mr. SHIELDS. Yes; I was. I think I was there probably a week or so before the election—a week or 10 days.

The CHAIRMAN. Every day?

Mr. SHIELDS. No; not every day. I would go in and out.

The CHAIRMAN. Practically every day?

Mr. SHIELDS. Oh, I think so.

The CHAIRMAN. You were there in constant consultation with Senator Stephenson's friends in regard to securing his election, I suppose; were you?

Mr. SHIELDS. Yes; practically that. I was there, and discussed it with his friends.

The CHAIRMAN. That was your purpose in being there?

Mr. SHIELDS. My purpose was practically that; yes. I stayed, I remained there, for that purpose.

The CHAIRMAN. Did you hear anything of this proposition to secure the absence of any members that Mr. Regan has been testifying in relation to, at the time of the election, or about that time, or shortly after it?

Mr. SHIELDS. No, sir.

The CHAIRMAN. When did you first hear of that?

Mr. SHIELDS. I never heard of it until after the thing had occurred, and after he had been declared elected.

The CHAIRMAN. After what thing occurred?

Mr. SHIELDS. After Senator Stephenson's election had been ratified. That is the first intimation I had that these men had absented themselves, or were not there to vote. I knew none of the parties.

The CHAIRMAN. You were there when the vote was taken?

Mr. SHIELDS. Oh, yes.

The CHAIRMAN. You knew they were absent?

Mr. SHIELDS. No; I did not know they were absent. I did not keep track of the vote.

The CHAIRMAN. Did you not hear the discussion that took place?

Mr. SHIELDS. Oh, yes; afterwards.

The CHAIRMAN. During the afternoon?

Mr. SHIELDS. Yes; yes.

The CHAIRMAN. Within an hour after the vote?

Mr. SHIELDS. Probably; within a short time after; yes.

The CHAIRMAN. And you heard it charged that they had been bribed to be absent, did you not—that their absence had been procured by Senator Stephenson's friends? You heard that charged, did you not, that afternoon?

Mr. SHIELDS. I do not know whether I did or not. I do not think so.

The CHAIRMAN. Did you not hear it charged that you had been instrumental in having those men remain away?

Mr. SHIELDS. I do not think that charge was made out there at all at that time.

The CHAIRMAN. Did you hear Wayland boasting about having kept Towne out of the legislature?

Mr. SHIELDS. No, sir.

The CHAIRMAN. You know Wayland?

Mr. SHIELDS. Yes, sir.

The CHAIRMAN. You were in constant communication with him out there that day; were you not?

Mr. SHIELDS. No, sir. I saw him around there, but I was not——

The CHAIRMAN. Did you see "Dick" White there that day?

Mr. SHIELDS. Yes; I saw White.

The CHAIRMAN. Did not "Dick" White and you have rather a jubilation over the absence of these three men?

Mr. SHIELDS. No; I do not think so. I think we were rather tickled over the result. I do not know so much about the result.

The CHAIRMAN. Was there not some rivalry there as to who could get the most credit for bringing about the result?

Mr. SHIELDS. Well, maybe; I do not know.

The CHAIRMAN. Was there?

Mr. SHIELDS. I can not say as to that.

The CHAIRMAN. Were there not several men each of whom claimed to have been the particular influence that brought about that result—among others, yourself and Mr. White, and some others whom I could name?

Mr. SHIELDS. No; I never arrogated to myself the credit for having done very much for Senator Stephenson.

The CHAIRMAN. You think you had shown your willingness when you hired the train?

Mr. SHIELDS. Yes; and being present there to do what little I could; but I never talked——

The CHAIRMAN. How much money did you have with you when you went to Madison?

Mr. SHIELDS. Oh, I do not know.

The CHAIRMAN. But you must recollect it.

Mr. SHIELDS. I suppose I had——

The CHAIRMAN. Let us avoid not knowing when you have any knowledge.

Mr. SHIELDS. I want to be frank in this matter. I have nothing to conceal in it. I do not know.

The CHAIRMAN. Tell us how much money you had when you went to Madison.

Mr. SHIELDS. I can not tell you that.

The CHAIRMAN. There never in the world was a man that went to a legislature to work for a matter of that kind without knowing how much money he had with him. How much had you with you?

Mr. SHIELDS. That is not a fact, Senator. I have my blank checks in my pocket, and can get them cashed at any time, almost anywhere. I never have any difficulty getting money.

The CHAIRMAN. Did you get any checks cashed at Madison?

Mr. SHIELDS. No, sir; but I had probably three or four hundred dollars in my pocket. I may have had \$500, for all I know.

The CHAIRMAN. Might you have had \$2,000?

Mr. SHIELDS. No, sir; I did not have \$2,000.

The CHAIRMAN. Might you have had \$1,000?

Mr. SHIELDS. No, sir.

The CHAIRMAN. Did you get any money, any cash, after you went to Madison, from any source?

Mr. SHIELDS. No, sir; not that I know of.

The CHAIRMAN. And you did not get any checks cashed?

Mr. SHIELDS. No—while I was in Madison?

The CHAIRMAN. Yes

Mr. SHIELDS. I think I did get a \$250 check cashed once.

The CHAIRMAN. Is that all?

Mr. SHIELDS. And yet—some time while I was in Madison I think I cashed a check at the Capital Bank for \$200 or \$250.

The CHAIRMAN. Is that the only one you cashed?

Mr. SHIELDS. That is all, sir; and I do not recall whether that was—yes; I think I did. I think I got a check cashed; I think I got a couple of hundred dollars while I was there.

The CHAIRMAN. Add that to what you took there, and how much did that make?

Mr. SHIELDS. I do not know. I may have had four or five hundred dollars altogether there.

The CHAIRMAN. Did you? The expression that you “may have had” does not answer the question.

Mr. SHIELDS. I had some money with me.

The CHAIRMAN. Did you have four or five hundred dollars with you?

Mr. SHIELDS. Yes; I think I did.

The CHAIRMAN. Did you have more than \$500?

Mr. SHIELDS. No, sir.

The CHAIRMAN. You say “no” positively to that; do you?

Mr. SHIELDS. Yes, sir.

The CHAIRMAN. You drew \$200. That would give you \$700, would it?

Mr. SHIELDS. That would give me a total of \$700, if I—

The CHAIRMAN. Did you not cash some other person's checks?

Mr. LITTLEFIELD. “If you” what?

Mr. SHIELDS. If I had.

The CHAIRMAN. That is obvious. Did you not cash some other person's checks?

Mr. SHIELDS. No, sir; no, sir.

The CHAIRMAN. Did you have money in any shape—certificates of deposit, cashier's checks, drafts, or any form of credit?

Mr. SHIELDS. No, sir; no, sir.

The CHAIRMAN. How did you pay for the train?

Mr. SHIELDS. I paid for it in cash.

The CHAIRMAN. With whom were you working in behalf of Senator Stephenson when you were at Madison?

Mr. SHIELDS. I was with our own members, mostly.

The CHAIRMAN. I mean, whom were you working together with? I do not mean the physical presence. You understand what I mean, when men are working together to accomplish a purpose. Who was it?

Mr. SHIELDS. I think I talked more with Overbeck than I did with anybody else there.

The CHAIRMAN. Mr. Overbeck was a direct representative of Senator Stephenson on that occasion, was he not?

Mr. SHIELDS. Yes, sir.

The CHAIRMAN. A man who kept tab on the vote and the presence and absence of members?

Mr. SHIELDS. Yes, sir.

The CHAIRMAN. And all of those things?

Mr. SHIELDS. He checked them over; yes.

The CHAIRMAN. Do you know how much money Mr. Overbeck had there?

Mr. SHIELDS. No; I do not.

The CHAIRMAN. Did he ever tell you how much money he had?

Mr. SHIELDS. No, sir.

The CHAIRMAN. Or that he had any money?

Mr. SHIELDS. No, sir; he never said anything about it.

The CHAIRMAN. You never talked about it?

Mr. SHIELDS. No, sir.

The CHAIRMAN. How much money did you have when you got away from Madison?

Mr. SHIELDS. I do not remember. I left there in the afternoon.

The CHAIRMAN. As a matter of fact, you drew this check to get away, did you not?

Mr. SHIELDS. I will not say as to that.

The CHAIRMAN. It is a proper question to ask you.

Mr. SHIELDS. I think I can produce the check.

The CHAIRMAN. I am not asking you merely for curiosity, or without a purpose. You understand that I want to get at the facts.

Mr. SHIELDS. I understand exactly, but I——

The CHAIRMAN. And I want to know whether or not you had exhausted your cash before you drew the check for \$200.

Mr. SHIELDS. I can not say as to that. I do not remember.

The CHAIRMAN. Do you mean that you can not say because you can not recall the fact?

Mr. SHIELDS. I do not recall just the date.

The CHAIRMAN. No; I do not want that. I am not asking you about that.

Mr. SHIELDS. You asked me if I cashed the check the day I was leaving.

The CHAIRMAN. No; I did not. I asked you if you had exhausted the \$500 cash that you had before you drew the check.

Mr. SHIELDS. Why, I do not remember; possibly. I presume I did exhaust what money I had. Yes; I will say that I did. When I drew the check I had spent what money I had, because I would not have cashed the check if I had had very much money with me.

The CHAIRMAN. How long before you left did you cash the check?

Mr. SHIELDS. I do not recollect the day of the check being cashed.

The CHAIRMAN. Aside from recollecting the exact day, can you approximate the length of time before you left Madison that you cashed the check?

Mr. SHIELDS. No; I do not know just the day.

The CHAIRMAN. Do you feel that you have answered that question fully?

Mr. SHIELDS. Well, I can not—if I neede!—I do not know just how to answer it.

The CHAIRMAN. Just tell the fact.

Mr. SHIELDS. That is what I want to tell. I have no reason to tell anything else. Presumably I got out of money, and got this check cashed, probably, some day during the days that I was there; or I did not have but a small amount, and thought I would get some money, and went into the bank and got it cashed.

The CHAIRMAN. And you can not tell whether it was the day before you left or not?

Mr. SHIELDS. I rather think it was the day before I left, or two days before, Senator.

The CHAIRMAN. You had exhausted your money, you say. Where did you go when you left Madison?

Mr. SHIELDS. I went to West Baden.

The CHAIRMAN. Where is West Baden?

Mr. SHIELDS. In Indiana.

The CHAIRMAN. Did you go alone?

Mr. SHIELDS. Yes, sir; I think so.

The CHAIRMAN. When did you leave Madison?

Mr. SHIELDS. I left on the 4th of March.

The CHAIRMAN. What time of day?

Mr. SHIELDS. I do not recall the time.

The CHAIRMAN. Before dark or after?

Mr. SHIELDS. I do not remember. I was pretty jubilant when I left there.

The CHAIRMAN. Oh! Are we to understand that your memory was temporarily out of commission?

Mr. SHIELDS. Oh, no, no; probably not that.

The CHAIRMAN. And you can not say whether it was daylight or dark?

Mr. SHIELDS. I can not say just the time I left; no.

The CHAIRMAN. You stayed long enough to participate in the conversation that was held in the lobby of the hotel, in which there was some difference between two members of the legislature, one charging the other with having been responsible for the election by being absent, were you not? You were at that conversation?

Mr. SHIELDS. I do not think I was; no, sir. I do not think I heard it.

The CHAIRMAN. Are you quite sure you were not there?

Mr. SHIELDS. Yes; I am quite sure. I do not recall it. I do not remember it, if that occurred. I did not know these three members. I never saw Mr. Towne.

The CHAIRMAN. You knew of them?

Mr. SHIELDS. No; I did not know of them, much.

Senator POMERENE. "Much?"

Mr. SHIELDS. I mean, I did not know them to know who they were.

The CHAIRMAN. You had been there on a specific mission?

Mr. SHIELDS. Yes.

The CHAIRMAN (continuing). In the interest of Senator Stephenson for about how long—10 days?

Mr. SHIELDS. Maybe.

The CHAIRMAN. Was it 10 days?

Mr. SHIELDS. Well, say 8 or 10 days; something like that.

The CHAIRMAN. And during that time you had been watching the legislature every day as it came into joint session and went through the form of voting on the senatorial question?

Mr. SHIELDS. Yes; every day that I was there.

The CHAIRMAN. And yet you say you did not learn to distinguish these members, you did not learn "who was who," so that you would know one man from another and learn their names?

Mr. SHIELDS. I knew some of them.

The CHAIRMAN. Which ones did you know?

Mr. SHIELDS. I knew the members from our own county.

The CHAIRMAN. What were the names of the members from your own county?

Mr. SHIELDS. Senator Hudnell, Judge Stack, and Walter Egan.

The CHAIRMAN. Did you know any others?

Mr. SHIELDS. I knew Mr. Hamill, from Spooner, in the next county to me.

The CHAIRMAN. Is that all?

Mr. SHIELDS. Senator Owen, of Maiden Rock.

The CHAIRMAN. Any others?

Mr. SHIELDS. Senator Sanborn, of Ashland.

The CHAIRMAN. You knew them by sight, did you, or knew them personally?

Mr. SHIELDS. These men I knew personally.

The CHAIRMAN. Did you know men by sight there that you did not know personally?

Mr. SHIELDS. Oh, I suppose so.

The CHAIRMAN. Did you know Mr. Towne by sight?

Mr. SHIELDS. No, sir; I did not know who Mr. Towne was until he was having his photograph taken down here on the sidewalk. That was the first time I ever saw him, to my best recollection.

The CHAIRMAN. Do you know Mr. Farrell by sight?

Mr. SHIELDS. I met him once in Madison in the hotel; but I would not know him now if he were to arise in his seat here.

The CHAIRMAN. On what occasion did you meet him?

Mr. SHIELDS. I just saw him in the hotel.

The CHAIRMAN. Did you talk to him?

Mr. SHIELDS. I do not think so; no, sir. I do not think I talked to him.

The CHAIRMAN. Did you ever talk to him?

Mr. SHIELDS. Not that I recollect; not that I recall.

The CHAIRMAN. When you were at West Baden, did you talk to any persons about the Stephenson senatorial fight?

Mr. SHIELDS. I do not know whether I did or not.

Senator POMERENE. Why do you not know?

Mr. SHIELDS. Why, I do not recall talking to anybody down there.

The CHAIRMAN. That is hardly a sufficient response to a question that is asked in good faith.

Mr. SHIELDS. Senator, I want to testify in good faith; and I want to say that to the best of my recollection I do not remember talking to anybody at West Baden about Senator Stephenson's election.

Senator POMERENE. Mr. Shields, as I understand you, you were about 10 days at Madison?

Mr. SHIELDS. Yes, sir.

Senator POMERENE. You had \$500 in cash, or thereabouts?

Mr. SHIELDS. Yes, sir.

Senator POMERENE. And you cashed a check for \$200 or \$250. That would make about \$750—\$700 or \$750. How much did it cost you per day while you were there?

Mr. SHIELDS. I do not know. I can not say. Probably ten or twenty dollars a day.

Senator POMERENE. Ten or twenty dollars a day?

Mr. SHIELDS. Yes.

Senator POMERENE. If it cost you \$20 a day for 10 days, that would be \$200?

Mr. SHIELDS. Yes.

Senator POMERENE. What did you do with the other \$500?

Mr. SHIELDS. I do not know what I did with it.

Senator POMERENE. Have you any idea?

Mr. SHIELDS. No. I spent the money around there. That is all I know.

Senator POMERENE. Entertaining people?

Mr. SHIELDS. Yes, sir; just around with them.

Senator POMERENE. With whom?

Mr. SHIELDS. With different people that I was with.

Senator POMERENE. With whom? Members of the assembly?

Mr. SHIELDS. I was around with our own members and with a crowd of fellows around there in the saloons——

Senator POMERENE. What members of the assembly did you entertain while you were there?

Mr. SHIELDS. I do not remember. I do not know who they were.

Senator POMERENE. You do not remember any of them?

Mr. SHIELDS. I remember entertaining and being with our own members nights and days, and so on.

Senator POMERENE. Did you entertain Mr. Towne?

Mr. SHIELDS. No; I do not know Mr. Towne.

Senator POMERENE. Did you entertain Mr. Ramsey?

Mr. SHIELDS. No, sir.

Senator POMERENE. Or Mr. Farrell?

Mr. SHIELDS. No, sir.

Senator POMERENE. Mr. Shields, where did you see Mr. Regan when you came to Milwaukee during that campaign?

Mr. SHIELDS. If I saw him anywhere I saw him at the Pfister Hotel.

Senator POMERENE. You said, in answer to the chairman, that you thought you had had a talk with him during the time the balloting was going on here in Milwaukee?

Mr. SHIELDS. Yes; I think I saw Mr. Regan once in Milwaukee.

Senator POMERENE. How did you happen to meet him?

Mr. SHIELDS. I think, as I say, that he was around the hotel or was at the hotel.

Senator POMERENE. Do you not recall having sent word to him that you wanted to see him?

Mr. SHIELDS. No; I do not say it.

Senator POMERENE. Do you not think it is rather strange that you should meet him there at that time?

Mr. SHIELDS. No, sir; not strange at all.

Senator POMERENE. You knew that Mr. Ramsey was the assemblyman from his district, did you not?

Mr. SHIELDS. No, sir; I did not.

Senator POMERENE. You did not know that?

Mr. SHIELDS. No, sir.

Senator POMERENE. Then Mr. Regan is mistaken, is he, when he says that you knew that fact?

Mr. SHIELDS. Yes. Absolutely, because——

Mr. LITTLEFIELD. Does Mr. Regan state that?

Senator POMERENE. He did.

Mr. SHIELDS. That I knew——

Senator POMERENE. He stated that this morning.

Mr. SHIELDS. I did not know it.

Mr. LITTLEFIELD. I do not remember his making the statement.

Senator POMERENE. The record will show.

Did you talk with him then about selling cut-over lands?

Mr. SHIELDS. I do not remember what the conversation was. He has talked with me about cut-over lands at times.

Senator POMERENE. When before that had you talked with him about selling cut-over lands?

Mr. SHIELDS. I think I saw him once at Madison.

Senator POMERENE. When?

Mr. SHIELDS. I do not remember how long ago it was. It was quite a while ago.

Senator POMERENE. How long before the Stephenson election?

Mr. SHIELDS. I do not know. It may have been two years or three years. He spoke about wanting some cut-over lands, and I told him whenever he got ready for them that I would be glad to get them for him if I could.

Senator POMERENE. Did you speak to him on the subject here at the Pfister Hotel?

Mr. SHIELDS. I can not say whether that subject came up or not. I do not recall the conversation with him, Senator.

Senator POMERENE. Do you recall the meeting?

Mr. SHIELDS. I think I saw him in Milwaukee, but I do not recall just the meeting.

Senator POMERENE. Do you recall now anything that was said when you did meet him?

Mr. SHIELDS. No; I do not. I do not recall any purpose or object. I suppose it was a kind of a casual meeting. I do not recall anything about it.

Senator POMERENE. You were interested at that time in the sale of cut-over lands?

Mr. SHIELDS. Yes; I had been interested. That is my business—the land business.

Senator POMERENE. Were you selling for the Hines Co. or companies at that time?

Mr. SHIELDS. Yes; I have had an opportunity to get their lands at any time.

Senator POMERENE. Were you handling them at that particular time?

Mr. SHIELDS. I have always had more or less to do with them.

Senator POMERENE. Did you arrange with Mr. Regan to get some of these lands and list them with him?

Mr. SHIELDS. I told him whenever he wanted any of the lands he could have them.

Senator POMERENE. Did you tell him that at the Pfister Hotel?

Mr. SHIELDS. I do not recollect whether that subject came up or not at all. I do not recall the conversation.

Senator POMERENE. You do not remember anything that was said on that occasion?

Mr. SHIELDS. No, sir; I do not remember.

Senator POMERENE. Where had you been prior to your coming here to Milwaukee on that occasion?

Mr. SHIELDS. I guess I was home, and went down to Chicago, and from Chicago came up here to Milwaukee.

Senator POMERENE. You mean you were at Superior, and went down to Chicago?

Mr. SHIELDS. Yes.

Senator POMERENE. And from Chicago you came up here?

Mr. SHIELDS. I think so.

Senator POMERENE. What was the occasion of your going to Chicago?

Mr. SHIELDS. Oh, I do not know what the occasion was.

Senator POMERENE. Did you go from Milwaukee to Madison?

Mr. SHIELDS. I do not recollect that, whether I went from Milwaukee to Madison or from Milwaukee home.

Senator POMERENE. When you left home on that day your destination was Madison, was it?

Mr. SHIELDS. On what day? When I left Chicago?

Senator POMERENE. When you went to Chicago you expected to go from Superior to Chicago and then to Madison, did you?

Mr. SHIELDS. No. Well, I do not remember about that. I do not remember just how that was.

Senator POMERENE. Did you go from Milwaukee to Madison?

Mr. SHIELDS. I could not say as to that.

Senator POMERENE. Do you remember, now, that on this one trip you went from Superior to Chicago, and thence to Milwaukee, and thence to Madison?

Mr. SHIELDS. No, sir; I do not remember.

Senator POMERENE. Do you remember where you did come from, upon your arriving here in Milwaukee on that trip?

Mr. SHIELDS. No; I can not recollect which way I came. It is so long ago I do not know.

Senator POMERENE. Have you any way of tracing it?

Mr. SHIELDS. I might trace it from home in some way. I do not know how I could trace it.

Senator POMERENE. In what way?

Mr. SHIELDS. By knowing where I bought a ticket—whether to Chicago or to Madison or to Milwaukee.

Senator POMERENE. Do you have a memorandum book and expense account that you keep?

Mr. SHIELDS. No, sir.

Senator POMERENE. When had you been to Washington before your coming here to Milwaukee?

Mr. SHIELDS. Early in February.

Senator POMERENE. What were you doing there?

Mr. SHIELDS. I went down there with my family, on a trip with my wife and daughter. I took a trip, and went to New York.

Senator POMERENE. How long were you in Washington?

Mr. SHIELDS. I think I was there 10 days, probably; a week or 10 days.

Senator POMERENE. Did you see Mr. Hines there?

Mr. SHIELDS. Yes; I think I did see Mr. Hines there. I saw him at a banquet one night that Congressman Wheeler gave.

Senator POMERENE. A banquet given by whom?

Mr. SHIELDS. By Congressman Wheeler, of Pennsylvania.

Senator POMERENE. Did you see Senator Stephenson during that trip?

Mr. SHIELDS. No, sir.

Senator POMERENE. Or have any talk with him?

Mr. SHIELDS. No, sir.

Senator POMERENE. Did you talk with Mr. Hines on the subject of Senator Stephenson's election?

Mr. SHIELDS. No, sir.

Senator POMERENE. Did you talk with anybody in Washington on that subject?

Mr. SHIELDS. The subject was discussed down there.

Senator POMERENE. With whom did you talk on this subject?

Mr. SHIELDS. I can not say with whom. Friends of Senator Stephenson's down there were talking about what would be the ultimate outcome, or something of that kind.

Senator POMERENE. You were very much interested at that time in Senator Stephenson's election, were you not?

Mr. SHIELDS. Yes. I wanted to see him elected.

Senator POMERENE. And, being a resident of this State, it would have been a most natural thing for you to go to Senator Stephenson and say:

Senator, I am going back home after a little; is there anything I can do for you?

Mr. SHIELDS. It would have been a very natural thing for me to do.

Senator POMERENE. You generally do the natural thing, do you not, Mr. Shields?

Mr. SHIELDS. I try to; yes.

Senator POMERENE. What did you do at this time?

Mr. SHIELDS. I never saw Senator Stephenson but once in my life.

Senator POMERENE. And never talked with him on the subject?

Mr. SHIELDS. No, sir. I do not think the Senator knows me.

Senator POMERENE. However, you knew he was a candidate for the election?

Mr. SHIELDS. Yes.

Senator POMERENE. And naturally had some concern about it?

Mr. SHIELDS. Yes.

Senator POMERENE. And you, as one of his friends, were interested in it, and yet while you were down there you did not talk with him on the subject?

Mr. SHIELDS. I do not think he was in Washington while I was there.

Senator POMERENE. What is that?

Mr. SHIELDS. I do not believe he was there in Washington while I was there. I think he was South with his son, who was ill.

Senator POMERENE. What time were you there?

Mr. SHIELDS. The fore part of February. The early part of February.

Senator POMERENE. When was it that you saw him sitting in the Senate Chamber, from the gallery?

Mr. SHIELDS. The last time I saw him was when Senator Stone, I think it was—they were discussing the Lorimer question.

Senator POMERENE. Was it during this trip?

Mr. SHIELDS. I do not think it was. I think it was the next year.

Senator POMERENE. You remember the other day when you were here you testified that you saw him in Washington, but you saw him from the gallery?

Mr. SHIELDS. Yes; that is what I did.

Senator POMERENE. While he was sitting on the floor of the Senate?

Mr. SHIELDS. Yes. That is the only time I ever saw him.

Senator POMERENE. Can you fix the date?

Mr. SHIELDS. I can not; no, sir. I never had seen Senator Stephenson.

Senator POMERENE. After you left Madison you went back to West Baden, did you?

Mr. SHIELDS. Yes.

Senator POMERENE. How long did you remain there?

Mr. SHIELDS. About two weeks. Two or three weeks, I think.

Senator POMERENE. Was your family with you then?

Mr. SHIELDS. Yes.

Senator POMERENE. Did they go with you?

Mr. SHIELDS. Yes, sir. I think I wired them from Madison to take the train for Milwaukee. They were at home.

Senator POMERENE. To meet you at West Baden?

Mr. SHIELDS. Yes.

Senator POMERENE. You say you were there two or three weeks?

Mr. SHIELDS. Yes.

Senator POMERENE. At what hotel did you stop?

Mr. SHIELDS. At the West Baden Hotel.

Senator POMERENE. Where did you go after leaving West Baden?

Mr. SHIELDS. I went back home.

Senator POMERENE. Directly home?

Mr. SHIELDS. Yes, sir.

Senator POMERENE. On what day did you reach home?

Mr. SHIELDS. I do not recall the date; it was sometime in April, I guess. Oh, yes, I know, now, that I was home, because there was an election on the 4th of April, and I was home at that time. I remember, now, being home.

Senator POMERENE. You left Madison March 4?

Mr. SHIELDS. Yes.

Senator POMERENE. And you were in West Baden two or three weeks?

Mr. SHIELDS. Yes; maybe four weeks. I do not know. I stay there sometimes five or six weeks. I am a frequent visitor to the place.

Mr. LITTLEFIELD. You are a frequent visitor at West Baden?

Mr. SHIELDS. Yes.

Senator POMERENE. Did your friends keep you advised as to the progress of the hearings before the committee at Madison?

Mr. SHIELDS. No; they did not.

Senator POMERENE. You had no word on that subject?

Mr. SHIELDS. No; I did not have any.

Senator POMERENE. Did your friends in Superior advise you?

Mr. SHIELDS. No, sir.

Senator POMERENE. How long did you remain in Superior after the 4th of April? You say the election was on that day?

Mr. SHIELDS. I think I was there that week or so.

Senator POMERENE. Then where did you go?

Mr. SHIELDS. I can not tell, now, where I went.

Senator POMERENE. Were you in the State?

Mr. SHIELDS. Yes, sir; several times.

Senator POMERENE. Did you remain in the State?

Mr. SHIELDS. I do not remember whether I remained in the State or not. I can not tell where I was.

Senator POMERENE. When did you first learn that you were wanted before that investigating committee?

Mr. SHIELDS. Which one, sir?

Senator POMERENE. The senate committee or the joint committee?

Mr. SHIELDS. This one?

Senator POMERENE. No.

Mr. SHIELDS. Oh, the Madison committee?

Senator POMERENE. The legislative committee at Madison.

Mr. SHIELDS. I do not remember when I first knew about it.

Senator POMERENE. Was it after they had risen?

Mr. SHIELDS. I think so. I can not say for certain.

Senator POMERENE. From whom did you first learn it?

Mr. SHIELDS. I do not remember that.

Senator POMERENE. Were you in Madison during their hearings?

Mr. SHIELDS. Yes, sir.

Senator POMERENE. That is, before the election of Senator Stephenson, or after?

Mr. SHIELDS. I think I was there both before and after.

Senator POMERENE. Both before and after?

Mr. SHIELDS. Yes.

Senator POMERENE. When after?

Mr. SHIELDS. I do not recall the time that I was there.

Senator POMERENE. Before or after you returned from West Baden?

Mr. SHIELDS. I do not remember about that, Senator, at all. I do not recall that.

Senator POMERENE. Was it before or after you had returned for the April election to Superior?

Mr. SHIELDS. What do you mean by that? Whether I knew about—

Senator POMERENE. No. You said you thought you were in Madison while the investigating committee was sitting, and both before and after the election?

Mr. SHIELDS. Yes; I think I was.

Senator POMERENE. At what time after the election?

Mr. SHIELDS. I do not recall, sir. I do not know.

Senator POMERENE. Did you return from Madison to West Baden at any time?

Mr. SHIELDS. You mean during—

Senator POMERENE. After March 4?

Mr. SHIELDS. No; I stayed there all the time.

Senator POMERENE. And you went from West Baden to what point on leaving West Baden?

Mr. SHIELDS. I went to Superior.

Senator POMERENE. Were you at Madison after March 4 and before or after April 4?

Mr. SHIELDS. No; I could not have been at that time, because I was at West Baden all the time.

Senator POMERENE. Then you were at Madison after April 4?

Mr. SHIELDS. I think I was.

Senator POMERENE. And while the committee was in session?

Mr. SHIELDS. I think so.

Senator POMERENE. Were you present at any of their sittings?

Mr. SHIELDS. Whenever I was there I always went over to the committee. I wanted to hear——

Senator POMERENE. You were pretty well known, were you not, in Madison at that time?

Mr. SHIELDS. No, sir; I do not think I am very well known.

Senator POMERENE. The members of the general assembly knew you pretty well, did they not?

Mr. SHIELDS. I think some of them did; not many of them.

Senator POMERENE. Did you go there to testify?

Mr. SHIELDS. No; I did not.

Senator POMERENE. What was the reason for your going there?

Mr. SHIELDS. I have more or less business in Madison.

Senator POMERENE. What is the character of your business in Madison?

Mr. SHIELDS. I represent the Vilas estate in my territory, and have for many years, and have a good deal of business there.

The CHAIRMAN. What estate is that?

Mr. LITTLEFIELD. The estate of William F. Vilas, ex-Postmaster General.

Mr. SHIELDS. They have sixty or seventy thousand acres of land, and a stone quarry up there, and some other things, and I am their representative.

Senator POMERENE. Did you have any business before the general assembly during this time?

Mr. SHIELDS. I do not recall, exactly.

Senator POMERENE. Do you go there frequently on business before the assembly, or its committees?

Mr. SHIELDS. I have never appeared before a committee of the Legislature of Wisconsin in my life.

Senator POMERENE. Did you appear before any individual members of the legislature?

Mr. SHIELDS. I never have been, in any sense, a lobbyist of any kind there. The only time I ever appeared was in relation to a grain bill which the people of our town wanted passed, and they requested me to go there. Mr. Lenroot was speaker. I stayed there during that session to help pass the bill.

Senator POMERENE. Did you not go down there frequently to get copies of bills in which some of your clients were interested?

Mr. SHIELDS. Sometimes I would go there for that purpose, yes.

Senator POMERENE. Did you, during this spring and winter of 1909?

Mr. SHIELDS. Yes, probably.

Senator POMERENE. For what bills did you go there?

Mr. SHIELDS. The compensation act—any bills that would have any bearing upon——

Senator POMERENE. You would simply go from Superior down to Madison to get copies of the bills?

Mr. SHIELDS. Yes; and to discuss with our members of the legislature what the status of the bills was, or something of that kind.

Senator POMERENE. I think that is all.

Mr. LITTLEFIELD. I am not quite certain that I have in mind the reference, but I find in the examination of Mr. Regan that this question was asked:

The CHAIRMAN. Did he—

That is, referring to Mr. Shields—

tell you that he had any money, or authority to use money, or to get money for the purpose of aiding in Senator Stephenson's election?

Mr. REGAN. He certainly did not.

Does that tend to refresh your recollection as to that conversation, at all?

Mr. SHIELDS. No, sir.

Mr. LITTLEFIELD. You had some small amount of personal funds while you were in Madison?

Mr. SHIELDS. Yes.

Mr. LITTLEFIELD. Did you use any money for the purpose of influencing the vote of any member of the legislature?

Mr. SHIELDS. No, sir.

Mr. LITTLEFIELD. Did you employ anybody to use any money for the purpose of influencing the vote of any member of the legislature?

Mr. SHIELDS. No, sir.

Mr. LITTLEFIELD. Did you use any money for the purpose of inducing these three Democratic members to go out?

Mr. SHIELDS. No, sir.

Mr. LITTLEFIELD. Did you employ anybody to use any money for the purpose of inducing them to go out?

Mr. SHIELDS. No, sir.

Mr. LITTLEFIELD. Was any money used by anybody there, to your knowledge, for the purpose of influencing the vote of any member of the legislature?

Mr. SHIELDS. Not that I know of.

Mr. LITTLEFIELD. Were any promises or agreements of any kind made by you for the purpose of influencing the vote of any member of the legislature in connection with Senator Stephenson?

Mr. SHIELDS. No, sir.

Mr. LITTLEFIELD. Was any promise or agreement made by anybody there, to your knowledge, to any member of the legislature, for the purpose of influencing his vote?

Mr. SHIELDS. No, sir.

Mr. LITTLEFIELD. Was any promise or agreement made by you to any of these three Democrats to induce them to remain absent?

Mr. SHIELDS. No, sir.

Mr. LITTLEFIELD. Was any promise or agreement made by anybody else, to your knowledge, to any of these three Democratic members, to induce them to remain absent?

Mr. SHIELDS. No, sir.

Mr. LITTLEFIELD. That is all.

Mr. SHIELDS. Is that all, Senator? May I be excused?

The CHAIRMAN. After Mr. Bell arrives this afternoon, we shall want you again. You will remain in attendance.

I will say to Mr. Towne, whom I see present, that at 2 o'clock it is desired that he shall be on hand promptly. His examination will be very brief.

At 12 o'clock and 30 minutes p. m., the committee took a recess until 2 o'clock p. m.

AFTER RECESS.

At the expiration of the recess, the subcommittee reassembled.

TESTIMONY OF SILAS A. TOWNE—Recalled.

The CHAIRMAN. Mr. Towne, had you ever been in the city of Milwaukee prior to the 4th of March, 1909?

Mr. TOWNE. No, sir.

The CHAIRMAN. That is all I desire to ask this witness.

Mr. LITTLEFIELD. I have no questions to ask him.

The CHAIRMAN. Mr. Towne, you are excused from further attendance.

Richard White will be excused from further attendance.

TESTIMONY OF EARL J. MORGAN.

EARL J. MORGAN, having been heretofore duly sworn, was examined and testified as follows:

The CHAIRMAN. Mr. Morgan, you have been sworn in this case?

Mr. MORGAN. Yes.

The CHAIRMAN. You have testified in it before?

Mr. MORGAN. Not before this committee.

The CHAIRMAN. I mean, you testified before a committee in Madison?

Mr. MORGAN. I testified before the investigating committee in Madison.

The CHAIRMAN. The joint committee, or the senate committee?

Mr. MORGAN. The joint committee.

The CHAIRMAN. You participated in the senatorial campaign in 1908, did you?

Mr. MORGAN. Yes.

The CHAIRMAN. In whose interest?

Mr. MORGAN. Senator Stephenson's.

The CHAIRMAN. Did you receive any money from Senator Stephenson or from his representatives to be expended in that campaign?

Mr. MORGAN. No, sir.

The CHAIRMAN. What arrangements did you make for working in that campaign?

Mr. MORGAN. No arrangements were made with me. My services were entirely voluntary.

The CHAIRMAN. Do you say that you did not receive any money from Senator Stephenson to be used in that campaign?

Mr. MORGAN. I received money from Mr. Stephenson after the campaign, but not from him during the campaign.

The CHAIRMAN. When did you receive the money?

Mr. MORGAN. The first part of November.

The CHAIRMAN. You are charged with having received \$2,550. Is that the amount?

Mr. MORGAN. That is the amount.

The CHAIRMAN. Had you expended that much money on his behalf in that campaign?

Mr. MORGAN. I had.

The CHAIRMAN. That is, during the primary campaign?

Mr. MORGAN. Yes.

The CHAIRMAN. All of it?

Mr. MORGAN. All of it.

The CHAIRMAN. For what did you expend the \$2,550?

Mr. MORGAN. I gave a complete schedule of my expenditures to the joint investigating committee at Madison, and I would have to refresh my memory from my testimony given at that time.

The CHAIRMAN. Have you a copy of that statement?

Mr. MORGAN. I have not.

The CHAIRMAN. You testified, I believe, that you destroyed your memoranda kept at the time?

Mr. MORGAN. I did not keep any specific memoranda at the time of the complete expenditures.

The CHAIRMAN. You were asked if you kept an account or memoranda of certain portions of the disbursements, and you said you did. You had that book there, did you?

Mr. MORGAN. Yes.

The CHAIRMAN. The exhibit seems to be missing. I am having it looked up. Can you now give a statement of the expenditures?

Mr. MORGAN. A complete statement?

The CHAIRMAN. Yes.

Mr. MORGAN. No.

The CHAIRMAN. How much of that money can you account for now?

Mr. MORGAN. I can recall some of the larger expenditures.

Senator POMERENE. Have you the book, the original?

Mr. MORGAN. No; I have not.

The CHAIRMAN. It was filed with the committee, and it is one of the missing exhibits. You left that statement with the committee, did you?

Mr. MORGAN. Senator, the statement was given in the form of testimony.

The CHAIRMAN. I have your testimony before me. I understood that you made a statement of the expenditure of that money. Did you?

Mr. MORGAN. Merely in the form of testimony.

The CHAIRMAN. Oh, all right. Then we will get this in the form of testimony. I will ask you now to tell us what you did with that money. You were asked the question which I just read to you, as to whether you kept any memoranda of certain portions of the disbursements, and you said you did.

Mr. MORGAN. Yes.

The CHAIRMAN. Not of all of the disbursements but you said you kept one as far as you could. The question was:

Q. Oh, you kept an account, then, of all the disbursements?—A. Of all the disbursements that went to make up the \$2,550.

They asked you where that account was. Then you were asked:

Q. Did you keep an account of all the disbursements?—A. Yes, all the disbursements that made up the total of twenty-five hundred and fifty.

That was asked you afterwards. You repeated that. [Reading:]

Q. I misunderstood you, then.—A. Possibly I didn't get your question.

Q. I understood you to say that there were some two or three hundred dollars that you didn't keep any account of, paid out to workers?—A. That is, that I haven't an account of at this time.

Q. You have an account at this time, have you, of the balance?—A. Yes, sir.

Did you have an account of the \$2,550, except for that minor sum?

Mr. MORGAN. Yes, sir.

The CHAIRMAN. Where is it?

Mr. MORGAN. I have not it at this time.

The CHAIRMAN. But where is it?

Mr. MORGAN. I did not keep it after giving it to the investigating committee.

The CHAIRMAN. Did you give it to the committee?

Mr. MORGAN. Yes, sir.

The CHAIRMAN. You left it with them?

Mr. MORGAN. No, sir. I gave it to them in the form of testimony, and I think it follows right along.

The CHAIRMAN. You said then that you had this account with you.

Mr. MORGAN. I read it to the investigating committee from a memorandum book.

The CHAIRMAN. Where is it now?

Mr. MORGAN. I have not the memorandum book.

The CHAIRMAN. Where is it?

Mr. MORGAN. I could not say where it is.

The CHAIRMAN. Do you know?

Mr. MORGAN. I know that I have not it.

The CHAIRMAN. I know; but do you know where it is?

Mr. MORGAN. No; I do not.

The CHAIRMAN. When did you last know where it was?

Mr. MORGAN. I do not remember keeping it after having given it to the investigating committee.

The CHAIRMAN. You say "after having given it to them." Do you mean after having read from this account to the committee?

Mr. MORGAN. Having read from a memorandum book.

The CHAIRMAN. But you retained the memorandum book?

Mr. MORGAN. I did.

The CHAIRMAN. Where is it?

Mr. MORGAN. I presume it is destroyed.

The CHAIRMAN. You would know if it was destroyed, would you not?

Mr. MORGAN. I can not say positively whether it is.

The CHAIRMAN. But you must tell what you know positively. Do you know that that book is destroyed?

Mr. MORGAN. I believe it is.

The CHAIRMAN. Who destroyed it?

Mr. MORGAN. I did.

The CHAIRMAN. Then you can say positively that you do know that the book was destroyed. When did you destroy it?

Mr. MORGAN. After the testimony was given—after the report was given, rather.

The CHAIRMAN. Why did you destroy it?

Mr. MORGAN. I did not anticipate that there would be any further necessity of keeping it.

The CHAIRMAN. When did you destroy it?

Mr. MORGAN. That I could not say.

The CHAIRMAN. Where did you destroy it?

Mr. MORGAN. Home.

The CHAIRMAN. Where was that?

Mr. MORGAN. It was simply thrown away—thrown in the wastepaper basket.

The CHAIRMAN. No; we must get a little closer to it. You remember destroying it, do you?

Mr. MORGAN. No; I do not distinctly remember destroying it.

The CHAIRMAN. Do you remember it at all? Have you any recollection on the subject?

Mr. MORGAN. I know I have not that particular memorandum book at this time.

The CHAIRMAN. We are convinced of that, since you say you destroyed it; but we must have more definite information as to when and where and why you destroyed that book. Answer first, as nearly as you can, when you destroyed it. It has been a long time since the committee examined you. When did you destroy it? At what period?

Mr. MORGAN. It was merely——

The CHAIRMAN. No; answer the question without argument. When did you destroy it?

Mr. MORGAN. I could not say.

The CHAIRMAN. Within a year after the committee examined you?

Mr. MORGAN. Yes.

The CHAIRMAN. Within a month?

Mr. MORGAN. That I could not say.

The CHAIRMAN. You remember destroying it, do you?

Mr. MORGAN. Yes.

The CHAIRMAN. How did you destroy it?

Mr. MORGAN. I threw it away.

The CHAIRMAN. Then you did not destroy it. It may be in existence, may it?

Mr. MORGAN. Possibly I could explain a little clearer to your point.

The CHAIRMAN. First I want some definite answers, and then you will be given all the opportunity that you desire to explain.

Mr. MORGAN. All right.

The CHAIRMAN. Where were you when you threw it away?

Mr. MORGAN. In my office.

The CHAIRMAN. Where is that?

Mr. MORGAN. Oshkosh, Wis.

The CHAIRMAN. Did you throw it away in the office or throw it out of the office?

Mr. MORGAN. In the office.

The CHAIRMAN. Where did you throw that book?

Mr. MORGAN. In the wastepaper basket.

The CHAIRMAN. That is definite, is it?

Mr. MORGAN. As definite as I can give it to you at this time.

The CHAIRMAN Did you tear it or disfigure it before putting it in the wastepaper basket?

Mr. MORGAN. I merely tore it in pieces.

The CHAIRMAN. Did you tear it all up?

Mr. MORGAN. I should presume so.

The CHAIRMAN. What kind of a book was it?

Mr. MORGAN. Just a small vest-pocket memorandum book.

The CHAIRMAN. Did it have a back on it—a leather back?

Mr. MORGAN. I think it did—a thin leather back.

The CHAIRMAN. Was there anything else in this book besides this expense account?

Mr. MORGAN. Yes.

The CHAIRMAN. What else?

Mr. MORGAN. Just business and personal memoranda.

The CHAIRMAN. What business memoranda were in the book?

Mr. MORGAN. Memoranda of prices on lumber, and such memoranda as I generally keep.

The CHAIRMAN. How large a book was it?

Mr. MORGAN. Possibly an inch and a half wide and a couple of inches long.

The CHAIRMAN. A vest-pocket book?

Mr. MORGAN. Yes.

The CHAIRMAN. You remember tearing it up, do you?

Mr. MORGAN. I tear up that sort of books when they are finished and I am through with them.

The CHAIRMAN. Do you remember tearing up this particular book?

Mr. MORGAN. Yes, sir.

The CHAIRMAN. Do you remember it distinctly?

Mr. MORGAN. Yes, sir.

The CHAIRMAN. Give us a little more accurate information as to when you did it.

Mr. MORGAN. I could not give you the date or time when that particular memorandum book was destroyed.

The CHAIRMAN. You knew that that book was important, did you not?

Mr. MORGAN. No, sir.

The CHAIRMAN. You had testified as to the memoranda contained in it.

Mr. MORGAN. I had given the investigating committee a complete copy of everything that was in that book and which pertained to my expenditures.

The CHAIRMAN. Which committee was it—the joint committee or the senate committee?

Mr. MORGAN. The joint investigating committee.

The CHAIRMAN. You did not appear before the other committee?

Mr. MORGAN. No, sir.

The CHAIRMAN. So that all of your testimony is to be found in the record of that committee's work?

Mr. MORGAN. Yes, sir.

The CHAIRMAN. Is your recollection sufficiently distinct to enable you to tell the committee what you did with that sum of money?

Mr. MORGAN. On certain items I can.

The CHAIRMAN. Why on certain items and not on others?

Mr. MORGAN. I can not remember the complete schedule at this time.

The CHAIRMAN. You received this money directly from Senator Stephenson?

Mr. MORGAN. Yes, sir.

The CHAIRMAN. Did you present to him an account of money expended on his behalf?

Mr. MORGAN. I did not.

The CHAIRMAN. What did you present to him upon which he paid you?

Mr. MORGAN. I merely told him, in answer to a request which he made, the total amount that I had expended.

The CHAIRMAN. Did you ever render to Senator Stephenson any account of the expenditure of this money?

Mr. MORGAN. No, sir.

The CHAIRMAN. So that we have nothing now but your memory to rely upon as to the expenditure of that item?

Mr. MORGAN. And the report which I made the joint investigating committee.

The CHAIRMAN. But you say you did not make any report; that you only testified.

Mr. MORGAN. My testimony included my report.

The CHAIRMAN. You consider your testimony a report, do you?

Mr. MORGAN. Yes, sir.

The CHAIRMAN. Of course you supported Senator Stephenson for election? You are his son-in-law, are you not?

Mr. MORGAN. Yes, sir.

The CHAIRMAN. You received this money about November 10, did you?

Mr. MORGAN. I think it was about that date.

The CHAIRMAN. You were asked on page 2414:

Q. Did you keep an account of the money that you had spent during the campaign?

You answered:

A. No; not in an itemized way.

Is that correct?

Mr. MORGAN. Yes, sir.

The CHAIRMAN (reading):

Q. What account did you keep?—A. Simply small memorandums of different amounts that I had spent.

Q. Were those memorandums in a book?—A. No.

Q. On slips of paper?—A. Yes.

Q. Kept in what way?—A. Well, merely as memorandum slips.

Is that true?

Mr. MORGAN. Yes.

The CHAIRMAN. Then you copied them into the book, did you?

Mr. MORGAN. Yes, sir.

The CHAIRMAN. When did you do that? Before or after the election?

Mr. MORGAN. After I was requested or called to testify before the investigating committee at Madison.

The CHAIRMAN. Then you made up this book for the purpose of enabling you to testify before the committee?

Mr. MORGAN. Yes, sir.

The CHAIRMAN. And not at the time the expenditures were made?

Mr. MORGAN. No, sir.

The CHAIRMAN. Where did you keep these slips of paper?

Mr. MORGAN. In a drawer in my desk.

The CHAIRMAN. Did you keep a memorandum of all the moneys that you paid out during the primary campaign?

Mr. MORGAN. No, sir.

The CHAIRMAN. Of what items or class of items did you keep a memorandum?

Mr. MORGAN. Some advertising items and some specific items where memoranda were given to me of expenditures.

The CHAIRMAN. Bills?

Mr. MORGAN. Yes, sir.

The CHAIRMAN. Did you keep an accurate account of money paid out for what you term "workers"?

Mr. MORGAN. No, sir.

The CHAIRMAN. Did you make any account of that class of payments?

Mr. MORGAN. I estimated that expense as closely as I could in making up my total report.

The CHAIRMAN. What did you base your estimate upon?

Mr. MORGAN. Largely upon memory.

The CHAIRMAN. You did not have a sum of money out of which you made these payments and ascertained the amount by counting what you had left, did you?

Mr. MORGAN. No, sir.

The CHAIRMAN. What would those small items, as you term them, amount to?

Mr. MORGAN. I think those items amounted to from \$200 to \$300.

The CHAIRMAN. What did the items of which you kept an account amount to?

Mr. MORGAN. About \$2,300.

The CHAIRMAN. You were asked at that hearing whether or not you had those slips, and you said:

No; they were destroyed after the campaign was finished.

Q. Did you show them to Senator Stephenson?—A. No.

That was true, was it?

Mr. MORGAN. Yes, sir.

The CHAIRMAN (reading):

Q. But you think you did have memoranda of disbursements aggregating some \$2,200?

Is that correct?

Mr. MORGAN. Yes, sir.

The CHAIRMAN. This book was not a book of original entry at all, then, was it?

Mr. MORGAN. No, sir.

The CHAIRMAN. It was merely a tabulation of items gathered from memoranda in a drawer in your desk?

Mr. MORGAN. Yes, sir.

The CHAIRMAN. When you paid out money, what was your system in regard to making the memorandum of it then? Did you make a memorandum of the money as you paid it out?

Mr. MORGAN. No, sir.

The CHAIRMAN. When did these slips originate?

Mr. MORGAN. Those were merely slips that I happened to accumulate, and which were in the way of some bills that had been rendered from time to time.

The CHAIRMAN. Then the slips were not memoranda of original entry, were they? They were from memory?

Mr. MORGAN. Largely so.

The CHAIRMAN. Largely so. They were not made at the time when you made the payments?

Mr. MORGAN. No, sir.

The CHAIRMAN. They were not concurrent memoranda with the payments?

Mr. MORGAN. I did not catch your question.

The CHAIRMAN. They were not memoranda made at the time you paid out the money?

Mr. MORGAN. Not all of them; no, sir.

The CHAIRMAN. You gave an item of \$550 for "advertising and printing." Was that made up of many items? Was that an aggregate sum?

Mr. MORGAN. That was a total sum.

The CHAIRMAN. Did you have bills for it?

Mr. MORGAN. I had bills for part of that.

The CHAIRMAN. How much of it did you have bills for?

Mr. MORGAN. I should say between \$400 and \$500.

The CHAIRMAN. How did you make up the balance of the item of \$550—from memory?

Mr. MORGAN. Largely from memory of what I knew had been spent along that line.

The CHAIRMAN. Newspapers always render bills for work that they perform, do they not?

Mr. MORGAN. Those I had in totals. Of course I had those memoranda. I knew exactly what those were.

The CHAIRMAN. You mentioned an item of \$150 for postage. Did you expend that much for postage in the campaign?

Mr. MORGAN. Yes, sir.

The CHAIRMAN. What was the occasion for the expenditure?

Mr. MORGAN. In sending out——

Mr. LITTLEFIELD. Well, Mr. Chairman——

The CHAIRMAN. I am reading from page 2416.

Mr. LITTLEFIELD. Yes; but as I understand it the \$150 is included in the \$550.

The CHAIRMAN. I did not so understand it. I will ask the witness that question.

Was the \$150 postage item included in the \$550 paid to newspapers?

Mr. MORGAN. That was included under the item of "Advertising."

The CHAIRMAN. It does not so read. Your answer is as follows:

I will give it to you as I have it: Advertising and printing was \$550.

Q. To whom was that paid?—A. That covers newspaper advertising, distribution of between 7,000 and 8,000 circular letters, with about \$150 of postage, the printing of sample ballots, of cards, and some minor advertising.

I will ask you now whether or not the \$150 is included within the \$550?

Mr. MORGAN. As I remember it, it was.

The CHAIRMAN. You have an item of \$125 paid to a German newspaper at Oshkosh. Did you pay out that money to that paper? If so, what did the paper do for which you paid them that sum of money?

Mr. MORGAN. I do not think there was \$125 spent for a German paper.

The CHAIRMAN. I will read this. I do not want to read over your testimony in the record any more than is necessary.

Mr. MORGAN. I understand.

The CHAIRMAN. I want something of your own memory.

Mr. MORGAN. Yes, sir.

The CHAIRMAN. After the answer you gave which I have read you were asked:

Q. To what newspapers was any part of that paid?—A. The Daily Northwestern.

Q. Of Oshkosh?—A. Of Oshkosh.

Q. How much?—A. I couldn't give you the exact amount of that.

Q. Can you approximate it?—A. Why, I should say possibly \$125.

It does not make any difference out of what fund that came. I want to know the class of services for which you paid the \$125.

Mr. MORGAN. Those services were for paid advertising space.

The CHAIRMAN. What character of advertising?

Mr. MORGAN. Strictly advertising which was of a character that was generally being used in the campaign.

The CHAIRMAN. Do you refer to that half-page plate matter, with the picture and the statements on the side of it that we have seen here in evidence, with which doubtless you are familiar? Do you refer to that as advertising?

Mr. MORGAN. I do not think that was used.

The CHAIRMAN. What would you advertise? What would you say in an advertisement of this kind?

Mr. MORGAN. Senator Stephenson's picture was used. I could not give you the exact wording of the advertisements.

The CHAIRMAN. No; I do not suppose you could, but you could give us a description as to the character of the advertisements. Were they in the nature of editorials?

Mr. MORGAN. No, sir.

The CHAIRMAN. Or of articles contributed by some one?

Mr. MORGAN. No, sir.

The CHAIRMAN. Then what did they consist of?

Mr. MORGAN. It was page advertising, or half-page advertising.

The CHAIRMAN. With a picture?

Mr. MORGAN. With a picture.

The CHAIRMAN. I referred to that advertising. We have had some papers brought in containing that, which was doubtless used generally. Very well. You paid that paper \$125 for inserting that. You were asked:

Q. Any other newspapers?—A. A German newspaper, I think about twenty or twenty-five dollars.

Then there is an item of "public donations, \$425." What public donations did you make?

Mr. MORGAN. There was a donation of \$200 made to an Oshkosh "home-coming day." There was another donation made to a baseball association.

The CHAIRMAN. How much was that?

Mr. MORGAN. It was either \$100 or \$125.

The CHAIRMAN. You state here that \$125 was given to a baseball association.

Mr. MORGAN. Yes, sir.

The CHAIRMAN. You paid out that money? That was to create a good feeling, was it?

Mr. MORGAN. Yes, sir.

The CHAIRMAN. And I suppose the same purpose actuated you to pay \$200 to the home-coming celebration?

Mr. MORGAN. I think I was actuated in making that contribution by the fact that they had received a similar contribution from another senatorial candidate.

The CHAIRMAN. From whom?

Mr. MORGAN. They had received the contribution, as I was given to understand, from Mr. Cook.

Senator POMERENE. It was not because you were a "fan," then?

Mr. MORGAN. Not entirely; no, sir. This refers to the home-coming celebration, Senator.

The CHAIRMAN. You gave \$100 for a fountain in the Chautauqua grounds?

Mr. MORGAN. Yes, sir.

The CHAIRMAN. That was a permanent investment?

Mr. MORGAN. I do not know what has become of the fountain.

The CHAIRMAN. Is there a fountain there?

Mr. MORGAN. I never have seen it. There was one put in at the time.

The CHAIRMAN. It was actually put in; was it?

Mr. MORGAN. Oh, yes; yes, sir.

The CHAIRMAN. What could become of a fountain in public grounds?

Mr. MORGAN. I never went out to inspect it, personally.

The CHAIRMAN. You have an item here of "traveling expenses, \$125." Did you expend that money in traveling in connection with the campaign?

Mr. MORGAN. Yes, sir.

The CHAIRMAN. And \$200 for cigars?

Mr. MORGAN. Yes, sir.

The CHAIRMAN. You did not smoke those cigars yourself?

Mr. MORGAN. Not entirely.

The CHAIRMAN. What did you do with them?

Mr. MORGAN. They were used among the different representatives of Senator Stephenson.

The CHAIRMAN. You mean electors; you do not mean representatives, do you?

Mr. MORGAN. They were used among different workers for Senator Stephenson.

The CHAIRMAN. Were they handed out to workers to be distributed by the workers?

Mr. MORGAN. Yes, sir.

The CHAIRMAN. You paid some money to a gentleman described as your brother-in-law; did you?

Mr. MORGAN. Yes, sir.

The CHAIRMAN. Mr. Crawford, is it?

Mr. MORGAN. Yes, sir.

The CHAIRMAN. How much was that?

Mr. LITTLEFIELD. What is his full name?

Mr. MORGAN. Edward—\$125.

The CHAIRMAN. It is "E. G. Crawford" at the top of page 2418.

Mr. MORGAN. It is "E. C. Crawford."

The CHAIRMAN. "E. C. Crawford," is it?

Mr. MORGAN. Yes, sir.

The CHAIRMAN. It is "E. G. Crawford" as printed here. What did you pay him \$125 for?

Mr. MORGAN. \$125 was paid to Mr. Crawford to cover his expenses to Ripon, and for the putting up of advertising matter at Ripon, and for engaging workers in the different precincts there.

The CHAIRMAN. The next item is \$1,100 for "General organization work." What did you include within that item?

Senator POMERENE. Is it \$1,100 or \$11?

The CHAIRMAN. It is on page 2148, and is repeated three times, so I assume that that is the amount.

Mr. MORGAN. That took in all other expenses aside from those which came under the head of general advertising and public donations.

The CHAIRMAN. What do you include under that term? "General organization work" is the way you have described it.

Mr. MORGAN. I do not know that I could give a real good definition of organization work from a political standpoint. The money was expended for different workers to carry on Mr. Stephenson's campaign.

The CHAIRMAN. You say you gave some money to a man by the name of Ernst?

Mr. MORGAN. What is the name?

The CHAIRMAN. You were asked as to the distribution of this money; and on page 2418 you speak of having given some money to a man by the name of "Earnest" or "Ernst."

Mr. MORGAN. I do not recall that name.

The CHAIRMAN. Oh, I see; it is "Benedict." I did not read back far enough.

Mr. MORGAN. Benedict; yes.

The CHAIRMAN. A man by the name of Benedict, whose first name is Ernest.

Mr. MORGAN. Yes.

The CHAIRMAN. What did you give him money for?

Mr. MORGAN. Mr. Benedict made a trip along the Wolf River towns in Mr. Stephenson's behalf, and was paid a per diem for his services and his hotel expenses.

The CHAIRMAN. You enumerate on that page and the two succeeding pages a number of such items given to persons whose names you give, generally. Were they all for the same class of work?

Mr. MORGAN. Yes, sir.

The CHAIRMAN. They went to make up the item of \$1,100?

Mr. MORGAN. Yes, sir.

The CHAIRMAN. What did you do with the rest of the money?

Mr. MORGAN. The rest of the money is accounted for under the items of "Advertising and public donations," with the exception of from two to three hundred dollars, as I recall; and that was spent for workers on primary election day.

The CHAIRMAN. You gave \$125 to a man named August Kane. What was that for?

Mr. MORGAN. That was to cover his services during July and August as a worker for Mr. Stephenson.

Mr. LITTLEFIELD. What name is that, Senator?

The CHAIRMAN. August Kane, on page 2423.

Mr. LITTLEFIELD. That is \$125.

The CHAIRMAN. This distribution of money was for the general class of items you have enumerated, was it?

Mr. MORGAN. Yes, sir.

The CHAIRMAN. I believe I have no further questions to ask this witness.

Mr. MORGAN. Senator, I should like to make a little explanation.

The CHAIRMAN. You may make an explanation.

Mr. MORGAN. The matter of my having expended any money in Senator Stephenson's behalf was entirely voluntary on my part, and I did not keep an itemized account of the money that I expended. The memorandum book, which I did not afterwards keep, was simply a notation of different sums that I knew had been expended, and was made up after being called to appear before the investigating committee. I wanted to make myself clear in reference to the destruction of any papers in connection with it.

The CHAIRMAN. The committee had in mind the fact that, being related as you are to Senator Stephenson, you might be expected to have kept rather careful account of your expenditures; and we want the facts.

Mr. MORGAN. There was no thought on my part of asking Senator Stephenson to reimburse me at any time for any money that I expended on his behalf.

The CHAIRMAN. You did not expect it at the time you were expending this money?

Mr. MORGAN. I did not; and it was only after the primary campaign was ended and Senator Stephenson stated to me very emphatically that every cent that had been expended during his campaign was to be put into his expense account, that the report was made to him of what I had spent.

The CHAIRMAN. You did not expend any of it for the purpose of bribing or corrupting any elector of the State of Wisconsin?

Mr. MORGAN. I did not, most positively.

The CHAIRMAN. Did you see to it that those to whom you intrusted the disbursement of any part of it also gave heed to the law in regard to the bribery or corruption of voters?

Mr. MORGAN. They were men that I knew, personally, and men that I knew were friendly toward Senator Stephenson; men that were not carrying on a corrupt campaign in any way.

The CHAIRMAN. That is all I desire to ask.

Senator POMERENE. In your testimony before the committee you used the phrase "Organization work, \$100;" and you explained to us that you do not know exactly what is embraced in the term "organization work," etc. Please explain to us what you meant when you used that language in your former testimony.

Mr. MORGAN. I think it was a copied political expression, possibly. My own idea of the term, as I used it then, was the engaging of men to carry on work for Senator Stephenson.

Senator POMERENE. Just tell us what that was, in detail.

Mr. MORGAN. I do not quite get what you want.

Senator POMERENE. You say the main thing was to carry on this work in favor of Senator Stephenson. My question is intended to have you explain that in detail.

Mr. MORGAN. The class of work?

Senator POMERENE. The class of work.

Mr. MORGAN. The men that were engaged in this work were to talk Senator Stephenson's candidacy for reelection; the fact that he was a representative business man of Wisconsin; that he had been closely identified with the Republican Party in Wisconsin during all of his life, and along those lines.

Senator POMERENE. Those were simply reasons, as I understand it, which you and his friends urged for his election?

Mr. MORGAN. Yes, sir.

Senator POMERENE. That does not quite answer the question. I want to know, more in detail, the kind of work they were doing. You say they were working, and your answer is appropriate as far as it goes; but did you pay men for their time at the polls?

Mr. MORGAN. Yes, sir.

Senator POMERENE. And did you pay them for teams?

Mr. MORGAN. Yes, sir.

Senator POMERENE. To haul voters to the polls?

Mr. MORGAN. Yes sir; in some cases.

Senator POMERENE. Did you pay the voters for their time in going to the polls?

Mr. MORGAN. No, sir.

Senator POMERENE. Nothing of that kind?

Mr. MORGAN. No, sir.

Senator POMERENE. Were these expenditures distributed over a certain amount of territory?

Mr. MORGAN. Largely in Winnebago County.

The CHAIRMAN. Is Oshkosh the county seat of that county?

Mr. MORGAN. Yes, sir.

Senator POMERENE. Was there any other class of expenditures which you have not named?

Mr. MORGAN. No, sir.

Senator POMERENE. Did you give this personally to the different workers, or did you have certain lieutenants in the townships, if I may use that expression, or in the voting district, to whom you paid a certain sum, and they would employ their workers? How was that done?

Mr. MORGAN. In some cases; but it was largely handled by me.

Senator POMERENE. Out of this \$1,100, to how many men did you personally give money?

Mr. MORGAN. I should say at least 25, if not more.

Senator POMERENE. In what sums did you give this money?

Mr. MORGAN. In various sums.

Senator POMERENE. Give us some idea about it. That is not very intelligible.

Mr. MORGAN. In one township there was paid a party \$15. That was to include the use of his launch in taking voters to the voting place, which was some little distance.

Senator POMERENE. That would be a floating vote, I suppose.

Mr. MORGAN. You might call it that. In other townships men were paid from ten to fifteen dollars, and they were to use their teams in taking the voters; and at other precincts men were engaged as workers to distribute Mr. Stephenson's cards, to mention to the electors as they came up to vote that they hoped they would support Senator Stephenson, and the campaign in Winnebago County was conducted along those lines.

Senator POMERENE. Did you give anyone in excess of \$15?

Mr. MORGAN. A party at Rice Lake I sent \$25; a man by the name of Johnson. That was to pay for his services in putting up some advertising matter around about the country.

Senator POMERENE. Did you give anyone in excess of \$25?

Mr. MORGAN. My brother-in-law, Mr. Crawford.

Senator POMERENE. Yes. You referred to him, and explained that before. I am referring particularly to this \$1,100.

Mr. MORGAN. Those were all amounts that were included in that.

Senator POMERENE. Was the \$125 to Mr. Crawford included in that?

Mr. MORGAN. Yes, sir.

Senator POMERENE. Did you take upon yourself this work of organization of your own accord, or were you in touch with the campaign committee?

Mr. MORGAN. I took it on my own shoulders.

Senator POMERENE. And the campaign committee had nothing directly to do with the work that you had in hand?

Mr. MORGAN. No, sir.

Senator POMERENE. I take it you reported to them, from time to time, what you were doing?

Mr. MORGAN. Not in detail.

Senator POMERENE. And after taking this work upon yourself, the repayment to you by the Senator was a matter that was voluntary on his part?

Mr. MORGAN. Entirely so.

Senator POMERENE. I think that is all I desire to ask this witness.

Mr. LITTLEFIELD. Did you make any application to Senator Stephenson for reimbursement?

Mr. MORGAN. No, sir.

Mr. LITTLEFIELD. Is it or not a fact that the Senator insisted on making reimbursement?

Mr. MORGAN. Quite emphatically.

Mr. LITTLEFIELD. Against your protest?

Mr. MORGAN. I think my exact language to Senator Stephenson was, at least, it was to that effect—that it was not necessary for him to reimburse me for any amount that I had expended in his behalf.

Mr. LITTLEFIELD. But he insisted on doing so?

Mr. MORGAN. Yes, sir.

Mr. LITTLEFIELD. With reference to the matter of cigars, I would like to have you explain a little bit more in detail to the committee the manner in which the cigars were used in the campaign and what there was about them that indicated their advertising character, or otherwise.

Mr. MORGAN. They were used more as advertising matter.

Mr. LITTLEFIELD. In what way?

Mr. MORGAN. We conceived the idea of doing each cigar up in a paper by itself and having a little suggestive clause printed on the paper.

Mr. LITTLEFIELD. What was the clause?

Mr. MORGAN. I could not give you the exact wording of it, but I think it was from one of Abraham Lincoln's—

Mr. LITTLEFIELD. "Never swap horses in the middle of the stream"?

Mr. MORGAN. Yes, sir.

Mr. LITTLEFIELD. And "Vote for Uncle Ike"?

Mr. MORGAN. Yes.

Mr. LITTLEFIELD. Were all of these cigars substantially prepared in this way?

Mr. MORGAN. Yes, sir.

Mr. LITTLEFIELD. And then handed out to the various workers for distribution?

Mr. MORGAN. I think we were asked for fully as many cigars as we distributed voluntarily.

Mr. LITTLEFIELD. Will you be kind enough to refresh your recollection from the report of your testimony given at Madison, and state further details, so far as you can remember them? I call your attention to page 2417, and an item for telephone expenses.

Mr. MORGAN. I telephoned to Mr. Edmonds several different times; merely discussions in reference to the campaign, in a general way.

Mr. LITTLEFIELD. And what is that amount?

Mr. MORGAN. \$25.

Mr. LITTLEFIELD. Was that expended, so far as you can estimate, for telephone expenses?

Mr. MORGAN. Yes, sir.

Mr. LITTLEFIELD. Turn right over and follow along, after the \$1,100 item, and state, after refreshing your recollection, the items of your disbursements, so far as you can remember them. You refer to a man named Benedict?

Mr. MORGAN. Benedict handed in an itemized account of his time and expenses.

Mr. LITTLEFIELD. What did it aggregate?

Mr. MORGAN. \$87.15.

Mr. LITTLEFIELD. Did you pay it to him?

Mr. MORGAN. I did.

Mr. LITTLEFIELD. What was it for? That is, what did the itemized account show?

Mr. MORGAN. It showed a per diem, I think, of \$5 per day and hotel bills.

Mr. LITTLEFIELD. What sort of services did he render?

Mr. MORGAN. Services in electioneering for Senator Stephenson.

Mr. LITTLEFIELD. What was he doing? Was he circulating advertising matter or was he out campaigning?

Mr. MORGAN. He was putting up advertising matter and he was talking to the different farmers and people that he met about Senator Stephenson's candidacy.

Mr. LITTLEFIELD. He was doing canvassing?

Mr. MORGAN. Yes.

Mr. LITTLEFIELD. Just continue to the next item, checking each item as you go along.

Mr. MORGAN. Next was Manning's work.

Mr. LITTLEFIELD. Give the full name.

Mr. MORGAN. F. M. Manning.

Mr. LITTLEFIELD. And the amount?

Mr. MORGAN. \$44.25. That was for the same class of work.

Mr. LITTLEFIELD. Where does he live?

Senator POMERENE. Let me ask, right there: Does that refresh your memory as to those expenditures and items, etc., as you read along there?

Mr. MORGAN. Yes, it does.

Mr. LITTLEFIELD. Had you read your testimony that was given in Madison before you began to testify here this afternoon?

Mr. MORGAN. I glanced it over, but not with a view of memorizing it in any way.

Mr. LITTLEFIELD. Or being able to state the details?

Mr. MORGAN. No, sir.

Mr. LITTLEFIELD. Go right along. Manning, \$44.25. He lives in Oshkosh?

Mr. MORGAN. Yes, sir.

Mr. LITTLEFIELD. What is his business?

Mr. MORGAN. He was connected with an insurance company at that time.

Mr. LITTLEFIELD. What is the next item?

Mr. MORGAN. John Chase, \$45.

Mr. LITTLEFIELD. For what purpose was that paid?

Mr. MORGAN. For a per diem of \$3 per day and expenses.

Mr. LITTLEFIELD. What was he doing, or what did he do?

Mr. MORGAN. Canvassing for Senator Stephenson and putting up lithographs, etc.

Mr. LITTLEFIELD. Where does he live?

Mr. MORGAN. He lives in Oshkosh.

Mr. LITTLEFIELD. Now, the next item.

Mr. MORGAN. George Davis, \$40.

Mr. LITTLEFIELD. What was that for?

Mr. MORGAN. Mr. Davis made a special trip into one of the neighboring counties, on the same class of work, the putting up of advertising and for advancing Senator Stephenson's candidacy.

Mr. LITTLEFIELD. What is the next item?

Mr. MORGAN. Boyson, \$15. I have already referred to him.

Mr. LITTLEFIELD. To Mr. Boyson?

Mr. MORGAN. Yes.

Mr. LITTLEFIELD. I do not remember that you have.

Senator POMERENE. To what page are you referring?

Mr. LITTLEFIELD. To page 2419.

Mr. MORGAN. That covers the expenses of his boat and taking electors to the polls.

Mr. LITTLEFIELD. You did not give the name before. You may have referred to him, but you did not give the name.

Mr. MORGAN. That is the man to whom I referred before.

Mr. LITTLEFIELD. How much did he get?

Mr. MORGAN. \$15.

Mr. LITTLEFIELD. What is the next item?

Mr. MORGAN. E. J. Derber, Black Wolf, \$5.

Mr. LITTLEFIELD. For what purpose was that paid?

Mr. MORGAN. That covered expenses on primary election day.

Mr. LITTLEFIELD. You have some amount paid to a man in the town of Winneconne. How much is that?

Mr. MORGAN. \$10.

Mr. LITTLEFIELD. Are you able to recollect his name?

Mr. MORGAN. I can not recollect that man's name at this time.

Mr. LITTLEFIELD. Do you know the purpose for which the sum was paid?

Mr. MORGAN. Winneconne is a small village near Oshkosh, and he was to put up some advertising matter there and also to work on primary election day. Ten dollars was paid to a Mr. Johnson, in the town of Winchester.

Mr. LITTLEFIELD. For what purpose was that paid?

Mr. MORGAN. For the use of his team, as I remember it, on primary election day, and for his services at the polls.

Mr. LITTLEFIELD. Check every item as you go along, please.

Mr. MORGAN. In the town of Clayton, \$15 to Mr. Gruenewald.

Mr. LITTLEFIELD. For what purpose was that paid?

Mr. MORGAN. For the same class of service as that rendered by Mr. Johnson.

In the town of Nekimi, \$15 to a Mr. Williamson for the same class of services.

In the city of Oshkosh, to William Manzer, \$25.

Mr. LITTLEFIELD. For what purpose was that paid?

Mr. MORGAN. Mr. Manzer was to put up some advertising matter, and he put in considerable time for a couple of months prior to the 1st of September in Senator Stephenson's behalf.

William McDonald, \$25.

Mr. LITTLEFIELD. Of what place?

Mr. MORGAN. Oshkosh.

Mr. LITTLEFIELD. For what purpose?

Mr. MORGAN. For the same class of services as those mentioned before.

Herman Bolter, \$15.

Mr. LITTLEFIELD. Of what place?

Mr. MORGAN. Oshkosh.

Mr. LITTLEFIELD. For what purpose was that paid?

Mr. MORGAN. Mr. Bolter made a special trip to a small place, I think it was Boyce City, and was to put up the advertising matter over there, and he was paid \$5 a day for his time and expenses.

George Mershwa, \$10, for the same class of services as those that were rendered by Mr. Manzer and Mr. McDonald, and to Krueger—

Mr. LITTLEFIELD. Of what place?

Mr. MORGAN. Oshkosh. He was paid for the same class of work.

Mr. LITTLEFIELD. How much?

Mr. MORGAN. \$20.

Emil Batke, \$20.

Mr. LITTLEFIELD. Of what place and for what purpose?

Mr. MORGAN. Of Oshkosh. Mr. Batke put in considerable time putting up advertising matter, and he worked at the polls.

August Kane, \$125.

Mr. LITTLEFIELD. Of what place, and for what purpose was the money paid?

Mr. MORGAN. Of Oshkosh. Mr. Kane put in considerable time, for two months prior to the primary election, in putting up advertising matter and in campaigning for Mr. Stephenson.

R. H. Edwards, \$100.

Mr. LITTLEFIELD. At what place and for what purpose?

Mr. MORGAN. At Oshkosh. Mr. Edwards, at that time, was connected with our company.

Senator POMERENE. What do you mean? With what company was he connected?

Mr. MORGAN. Morgan & Co. He was connected with our company at that time.

Mr. LITTLEFIELD. What is the name of the company?

Mr. MORGAN. Morgan & Co.

Mr. LITTLEFIELD. In what business is it engaged?

Mr. MORGAN. In the lumber business. Mr. Edwards made several trips through the county, and through the adjacent counties, and put up advertising matter, and that was to cover his expenses.

Mr. LITTLEFIELD. Did he receive anything for his time?

Mr. MORGAN. No, sir.

E. C. Crawford, \$50.

Mr. LITTLEFIELD. I think the sum was larger than that, was it not?

Mr. MORGAN. Mr. Crawford was paid \$125 for Ripon.

Mr. LITTLEFIELD. Is this \$50 in addition to the \$125.

Mr. MORGAN. Yes. This covers Mr. Crawford's personal expenses during two months prior to the primary election and for the advertising that was put up and for his work for Mr. Stephenson.

Chris. Petersen, \$15.

Mr. LITTLEFIELD. Of what place?

Mr. MORGAN. Oshkosh.

Mr. LITTLEFIELD. For what purpose was the money paid to him?

Mr. MORGAN. It was paid to him for the same class of services.

Mr. LITTLEFIELD. Does that give all of the items that you could remember when you prepared the statement on your memorandum book from which you testified before the committee at Madison?

Mr. MORGAN. It does.

Mr. LITTLEFIELD. Are you able now to add anything to the names you have already given, with the amounts? That is, has your recollection been refreshed, so that you can give any further detail?

Mr. MORGAN. No; except that I might add the names of a few workers that were paid for their services on primary election day.

Mr. LITTLEFIELD. Give us those names and the amounts in each case.

Mr. MORGAN. Harry Wolf was paid \$5; Ed. Zimmerman was paid \$5; Henry Schreiber was paid \$5, and Julius Schreiber, brothers—Henry Jones was paid \$5. Those are about all the names that I can recall at this time.

Mr. LITTLEFIELD. Where do these gentlemen that you have last named reside?

Mr. MORGAN. They all reside in Oshkosh.

Mr. LITTLEFIELD. What is the size of Oshkosh? How large a town is it?

Mr. MORGAN. 33,000.

Mr. LITTLEFIELD. Was any money expended by any of the men to whom you entrusted funds in connection with the campaign of Senator Stephenson for bribing or corruptly or unlawfully influencing any elector in the primary election in the interest of Senator Stephenson?

Mr. MORGAN. Positively not.

Mr. LITTLEFIELD. So far as you know, of course?

Mr. MORGAN. So far as I know.

Mr. LITTLEFIELD. That is all.

TESTIMONY OF L. W. THAYER—Recalled.

The CHAIRMAN. You have testified heretofore, Mr. Thayer. It was suggested that you return home and see if you could refresh your memory about those matters that you were unable to recall. Have you done anything in that direction?

Mr. THAYER. I have, to a certain extent. I have tried to refresh my memory, so as to be able to give some information that I was not able to give at that time.

The CHAIRMAN. It appears that you received \$600 from the Stephenson campaign fund?

Mr. THAYER. Yes, sir.

The CHAIRMAN. And you were asked to account for it, and you said that you could not remember. Can you now give us an account of the expenditure of that money, so much of it as was expended?

Mr. THAYER. No, sir. I have no memorandum; no means of getting it.

The CHAIRMAN. Have you refreshed your memory. Is it any better than it was the other day?

Mr. THAYER. In some instances I can give it to you; some amounts.

The CHAIRMAN. Go ahead and give them. Just state the source of your memorandum.

Mr. THAYER. That is from memory.

The CHAIRMAN. You have written it down, have you?

Mr. THAYER. Yes; since I was here.

The CHAIRMAN. Give us the benefit of your memory.

Mr. THAYER. Wynne Scribner, of El Dorado, to whom I gave \$15.

The CHAIRMAN. For what purpose was that given?

Mr. THAYER. For taking up the interests of Mr. Stephenson, in that town.

The CHAIRMAN. What did he do?

Mr. THAYER. He took care of the distribution of literature, I think, and he also took up with other parties the qualifications of Mr. Stephenson, to get those who seemed to be friendly interested in the campaign.

The CHAIRMAN. He distributed literature?

Mr. LITTLEFIELD. How much did you say he was paid?

Mr. THAYER. Twenty dollars, I think it was. I think it was \$20.

The CHAIRMAN. Give us another item.

Mr. THAYER. F. P. Schrader, of Markesan.

The CHAIRMAN. How much did you give him?

Mr. THAYER. I think I gave him \$15.

The CHAIRMAN. Your memory is not clear, now, is it?

Mr. THAYER. I think that is the amount that I gave him.

The CHAIRMAN. If he were called here as a witness now, under oath, you believe he would agree with you on that?

Mr. THAYER. I have every reason to believe that he would acknowledge having received it.

The CHAIRMAN. For what purpose did you give him that money?

Mr. THAYER. I understood he was very friendly to Mr. Stephenson, and I went down there and saw him, and had a talk with him; and he said that he knew quite a number there in Markesan that were

favorably inclined, and that he would take it up with them, and he thought considerable good could be accomplished among those who were in favor of him.

The CHAIRMAN. And the money was for his services in doing that?

Mr. THAYER. Yes, sir.

The CHAIRMAN. Have you another item there?

Mr. THAYER. Arthur Stewart.

The CHAIRMAN. How much did you give Arthur?

Mr. THAYER. Arthur Stewart got more. He got \$35 or \$40.

The CHAIRMAN. For what purpose?

Mr. THAYER. He took up matters there in the city of Ripon in the interest of Senator Stephenson, and also worked in the town of Ripon. He looked after the carriages, and I am not sure but the poll work.

The CHAIRMAN. Was he favorable to Senator Stephenson before you gave him this money?

Mr. THAYER. Yes, sir.

The CHAIRMAN. Did you give any portion of this money to anyone who was not already supporting Senator Stephenson?

Mr. THAYER. No, sir; not that I know of. Do you mean did Mr. Stewart give any of that money to anyone who was not supporting Senator Stephenson?

The CHAIRMAN. I mean you or any person representing you.

Mr. THAYER. No, sir.

The CHAIRMAN. These men to whom you gave money were all Stephenson men, were they?

Mr. THAYER. They were all Stephenson men.

The CHAIRMAN. They were all Stephenson men before you gave them the money?

Mr. THAYER. Yes, sir.

The CHAIRMAN. Can you account for more of it?

Mr. THAYER. I gave Roy Reed, of Ripon, \$10, I think.

The CHAIRMAN. For the same purpose?

Mr. THAYER. For the same purpose; only that he was to take up the matter that he described—I can not recall it—west of Ripon; not in the city.

The CHAIRMAN. Give us another item.

Mr. THAYER. David Williams, of Green Lake.

The CHAIRMAN. How much did you give David?

Mr. THAYER. I gave David, I think it was \$15.

The CHAIRMAN. Speak a little louder.

Mr. THAYER. I think it was \$15 or \$20.

The CHAIRMAN. For the same purpose?

Mr. THAYER. For the same purpose.

The CHAIRMAN. Enumerate another one, if you have others.

Mr. THAYER. L. A. Burgess, of Ripon.

The CHAIRMAN. How much did you give him?

Mr. THAYER. Twenty dollars. Mr. Burgess was with me, with his automobile, I think two days. I am not positive of that. I think he was. We took a trip through several precincts in his automobile.

The CHAIRMAN. How much did you pay him?

Mr. THAYER. I paid him, I think, \$20.

The CHAIRMAN. Proceed.

Mr. THAYER. There is a man who was favorable to Senator Stephenson who had been doing considerable work for Mr. Lyons,

previously to that, who was favorable to Stephenson. The work that he was doing for Mr. Lyons had nothing to do with the support of Mr. Lyons and the election of Mr. Stephenson, but he was favorable to Mr. Lyons, as I was myself, out of personal reasons.

The CHAIRMAN. He was favorable to Mr. Lyons, you say?

Mr. THAYER. I say he was and had been doing considerable work for him. He indicated to me that he was favorable to Mr. Stephenson's election, and I had no reason to believe that he was not. That was Mr. Sullivan, of Ripon.

The CHAIRMAN. How much did you give Mr. Sullivan?

Mr. THAYER. I gave Mr. Sullivan, I think, \$30 or \$35.

Mr. LITTLEFIELD. What is his given name?

Mr. THAYER. T. G. Sullivan.

The CHAIRMAN. Was that money to be disbursed by Mr. Sullivan?

Mr. THAYER. That money was largely to go for the services of Mr. Sullivan, or in a manner that Mr. Sullivan might feel disposed to disburse it. I had confidence in Mr. Sullivan, and I did not ask him nor give him instructions with reference to the expenditure of it.

The CHAIRMAN. Proceed with the enumeration of those items.

Mr. THAYER. I have but one more that I can recall: Jere Burke of the town of Ripon.

The CHAIRMAN. How much did you give him?

Mr. THAYER. Five dollars, I think.

The CHAIRMAN. How much do those items amount to?

Mr. THAYER. They will amount to somewhere about \$180 to \$185.

The CHAIRMAN. What did you do with the balance of the money you received?

Mr. THAYER. I can explain it only in this way, in the absence of memorandum, not having a thing to refresh my mind—and perhaps I might explain that I really ought not to have been in that campaign at that time. I had a daughter who was critically ill; and that circumstance might in a measure have caused me to lose memory of those things that I might otherwise have retained. I estimate—now, this is only as it has occurred to me since I have been home. There is nothing that I can absolutely say is definite. It has been a matter that I have tried to study, and have tried to refresh my mind upon. I wanted to give the committee such information as I could, but with the absolute absence of memorandum, taking the money and spending it as time seemed to be opportune and for the interest of Mr. Stephenson, and knowing only that when the money was spent it was spent. I have been connected with campaigns in the State a good many years, and never have kept a memorandum of any of my expenditures.

Mr. LITTLEFIELD. You say “you estimate.” Go on and state about it.

Mr. THAYER. Well, I believe. I can not estimate, because I have no foundation upon which to estimate, other than to say that I believe that \$150 to have been paid out to persons whom I can not now recall, including several poll workers. The persons to whom I paid the money that I can not recall, quite a number of them, were men that I had known before, were introduced to me by friends, and that would be the last I would think of them.

The CHAIRMAN. The balance of it, I suppose, you kept for your own services; did you?

Mr. THAYER. My personal expenses, including livery, auto hire, hotels, and entertainment, I would figure at \$200.

The CHAIRMAN. That is all so far as I am concerned.

Senator POMERENE. I do not care to ask him anything?

Mr. LITTLEFIELD. That is all.

The CHAIRMAN. You are excused.

TESTIMONY OF DAVID JAMES.

DAVID JAMES, having been duly sworn, was examined and testified as follows:

Mr. LITTLEFIELD. Shall I examine Mr. James?

The CHAIRMAN. Yes.

Mr. LITTLEFIELD. Were you a member of the Wisconsin State Senate in 1909?

Mr. JAMES. I was.

Mr. LITTLEFIELD. State whether or not, as a member of that senate, you were a supporter of Senator Stephenson?

Mr. JAMES. I was.

Mr. LITTLEFIELD. Were you at any time paired with any member of the joint convention upon the question of senatorship?

Mr. JAMES. I was.

Mr. LITTLEFIELD. How many times were you paired?

Mr. JAMES. Twice.

Mr. LITTLEFIELD. When, or about when, was the first time.

Mr. JAMES. February 9 and 10.

Senator POMERENE. Did that one pair continue during those two days?

Mr. JAMES. The one pair continued during the two days; yes, sir.

Mr. LITTLEFIELD. With whom were you then paired?

Mr. JAMES. I could not tell you. I kept no record of it.

Mr. LITTLEFIELD. Were you paired on the 4th day of March, when the last vote was had on the senatorial election?

Mr. JAMES. I was.

Mr. LITTLEFIELD. With whom were you paired?

Mr. JAMES. Mr. Scott, a member of the assembly.

Mr. LITTLEFIELD. What is Mr. Scott's full name?

Mr. JAMES. I could not tell you without looking at the records.

Mr. LITTLEFIELD. Was Scott a Republican?

Mr. JAMES. He was.

Mr. LITTLEFIELD. Was he an anti-Stephenson Republican?

Mr. JAMES. He was.

Mr. LITTLEFIELD. Voting against the Senator?

Mr. JAMES. Yes, sir.

Mr. LITTLEFIELD. State as briefly as you can the circumstances under which that pair was made.

Mr. JAMES. I was going from the hotel into Capitol Square from the southeast gate or entrance, and got up about half the distance and I saw several parties coming out of the capitol, coming down the steps. They passed off toward the south entrance and got out probably a hundred feet; and one of them stopped and he said, "There comes Senator James. He will pair with you." Mr. Scott had his grip in his hand, and he came back hastily and said, "I have a telegram from home." I think he said that his wife was sick, but at least one of his family was very sick and they wanted him to

come home; and he said, "I would like to pair with you on the senatorial question." I made the remark to him that I had to go away the next day, to be gone two or three days, and I would like to continue it with him if he should come back before I did. He said that was agreeable to him, and we separated there.

Mr. LITTLEFIELD. Was he at that time on the way to the train?

Mr. JAMES. He was on the way to the train. He was in a hurry. He said he was late for the train, and he wanted to make that train that afternoon.

Mr. LITTLEFIELD. Was that on the day of the 4th?

Mr. JAMES. That was the afternoon of the 3d.

Mr. LITTLEFIELD. Were you in the joint convention when the senate and assembly met together in the assembly hall?

Mr. JAMES. I was.

Mr. LITTLEFIELD. Just state briefly what occurred then.

Mr. JAMES. I attended the roll call in the senate in the morning. Senator POMERENE. This was on the 4th?

Mr. JAMES. On the 4th of March. I attended the session of the senate on the 4th, and at 12 o'clock we repaired to the assembly chamber, and when they came to vote my name was called. I stepped to one side and did not answer. Senator Whitehead wanted to know why I did not vote, and I told him I was paired with Mr. Scott. He said I had no business to be paired; that they were liable to cut loose there and spoil the quorum. I said:

I am not paired on quorum. I am paired merely on the vote for Senator Stephenson, and if it comes to the quorum question of that I will be there to vote to make the quorum; but when it comes to voting for the Senator I shall decline.

Mr. LITTLEFIELD. Was there any written memorandum between you and Mr. Scott?

Mr. JAMES. Not any; just our word of honor.

Mr. LITTLEFIELD. Just an oral understanding?

Mr. JAMES. That was all.

Mr. LITTLEFIELD. Were pairs frequently entered into in connection with the senatorial voting?

Mr. JAMES. There was the general understanding; yes, sir. I never heard any objections to it.

Mr. LITTLEFIELD. Did you give anybody any notice, other than this conversation with Mr. Whitehead, that you were paired with Mr. Scott?

Mr. JAMES. I did not.

Mr. LITTLEFIELD. Are you a member of the Grand Army?

Mr. JAMES. I am.

Mr. LITTLEFIELD. Have you been the grand commander of the Grand Army of the State of Wisconsin?

Mr. JAMES. I have.

Mr. LITTLEFIELD. Have you held any office in connection with the Grand Army institution?

Mr. JAMES. I have been trustee of the Wisconsin Veterans' Home for 10 years and treasurer of it for 8 years.

Mr. LITTLEFIELD. What is your business, Mr. James?

Mr. JAMES. I have a farm, and I am in the mercantile business.

Mr. LITTLEFIELD. What kind of mercantile business?

Mr. JAMES. I deal in hardware, implements, and carriages.

Mr. LITTLEFIELD. Where are you located?

Mr. JAMES. At Richland Center, Wis.

Mr. LITTLEFIELD. How long have you been engaged in the hardware business at Richland Center?

Mr. JAMES. Forty-six years.

Mr. LITTLEFIELD. Are you a brother of Mr. N. L. James, who has been a witness here?

Mr. JAMES. I am.

Mr. LITTLEFIELD. Were you a supporter of Senator Stephenson in the primary?

Mr. JAMES. I was not.

Mr. LITTLEFIELD. You voted for him consistently, right along, as a member of the legislature?

Mr. JAMES. I did.

Mr. LITTLEFIELD. That is all.

Senator POMERENE. Do you know of other absentees on March 4?

Mr. JAMES. I am not positive except as to Mr. Scott. I knew that he was not there.

Senator POMERENE. Do you know of anyone else?

Mr. JAMES. I could not state any from memory; no, sir.

Senator POMERENE. That is all.

Mr. LITTLEFIELD. Mr. Overbeck really had charge of making those pairs, and a little later I am going to examine him. He can give a history of all the pairs, I think. There were only four sets—that is, with the Fenelon and Ramsey pair.

Senator POMERENE. There are five unaccounted for?

Mr. LITTLEFIELD. There are three pairs besides the Fenelon and Ramsey pair. There were four pairs in all.

TESTIMONY OF WILLIAM R. KNELL.

WILLIAM R. KNELL, having been heretofore sworn, was examined and testified as follows:

The CHAIRMAN. Mr. Knell, you have been sworn?

Mr. KNELL. Yes, sir.

The CHAIRMAN. You were a supporter of Senator Stephenson in 1908, when he was a candidate for the United States Senate?

Mr. KNELL. Yes, sir.

The CHAIRMAN. Did you have charge of his campaign in the city of Milwaukee?

Mr. KNELL. I had charge of his campaign in Milwaukee County.

The CHAIRMAN. Is there much of Milwaukee County outside of the city of Milwaukee?

Mr. KNELL. Quite a little. There are several fourth-class cities and villages besides the town—seven townships.

The CHAIRMAN. By what arrangement were you in charge of the campaign?

Mr. KNELL. By arrangement with Mr. Puelicher.

The CHAIRMAN. Did you have anything to do with Mr. Edmonds in regard to it?

Mr. KNELL. Nothing except social calls.

The CHAIRMAN. You had complete charge of the campaign?

Mr. KNELL. I was to have complete charge of the campaign, and did have complete charge of it.

The CHAIRMAN. Mr. Puelicher was the source of financial supply, was he?

Mr. KNELL. He was the money end of it.

The CHAIRMAN. Did Mr. Sacket have anything to do with your campaign?

Mr. KNELL. No, sir.

The CHAIRMAN. So that you were the absolute manager?

Mr. KNELL. Yes, sir.

The CHAIRMAN. Of course subject to Senator Stephenson's directions?

Mr. KNELL. I did not know Mr. Stephenson in the campaign at all. I had no dealings with him at all.

The CHAIRMAN. Certainly; but you would have been subject to his directions?

Mr. KNELL. Oh, yes; I suppose so.

The CHAIRMAN. You were representing Senator Stephenson?

Mr. KNELL. So I was.

The CHAIRMAN. Directly?

Mr. KNELL. Yes, sir.

The CHAIRMAN. The arrangement was made by Mr. Puelicher on behalf of Senator Stephenson?

Mr. KNELL. So I was told.

The CHAIRMAN. How much money did you receive from Senator Stephenson, or from anyone representing him, in that campaign?

Mr. KNELL. [After producing and referring to the account, later marked "Exhibit 1."] \$11,886.61.

The CHAIRMAN. What did you do with that money? Account for it. You can do it without being questioned as to each item, can you not? You have your account there?

Mr. KNELL. Yes, sir; I have a complete statement that was filed with the Senator's managers and also with the joint committee at Madison.

The CHAIRMAN. Just make the statement.

Mr. KNELL. Do you want me to read all the items?

The CHAIRMAN. I want you to account for that money, so that your statement will go into the record. You did not appear before the senate committee?

Mr. KNELL. No, sir.

The CHAIRMAN. You appeared before the joint committee only.

Mr. KNELL. I will read the statement that I made to the manager of the Stephenson campaign, Mr. Sacket.

Mr. LITTLEFIELD. I will suggest this: How would it do, Senator, to have him state in a general way what he did and then follow it up with his detailed account?

The CHAIRMAN. I want you first to state the class of expenditure. Have you classified it as to how much you spent, regardless of items, for different classes of expenditure?

Mr. KNELL. No; I have only one class of expenditure that I totaled up. That was for the ward and precinct workers and the primary-day workers. I have an itemized statement analyzing that amount of the account; but the rest of it I have here as I paid it out by check, from day to day, all mixed up, just in rotation as I paid it out.

The CHAIRMAN. Exhibit 114, I suppose, is your ward statement—the statement by wards?

Mr. KNELL. I have not any idea what they marked it.

The CHAIRMAN. I find here a statement for each ward.

Mr. KNELL. That is the statement, then. That is the supplemental statement.

The CHAIRMAN. It is not necessary to take up the time, provided you have it arranged so that we may be able to analyze it.

Mr. KNELL. I have it itemized as I paid it out, check by check and day by day. I did not segregate printing and postage. That all follows as it was paid out.

The CHAIRMAN. But you have not classified that?

Mr. KNELL. I have not classified that.

The CHAIRMAN. You can not say how much you paid for printing, how much you paid for poll workers, or how much you expended in the saloons? You can not state those items by classes?

Mr. KNELL. No; not unless I should be given time to sit down and separate the different items.

The CHAIRMAN. I had hoped that you would have had your account in that shape. To alternate between the amount paid for an automobile and the amount paid for cigars and the amount paid for poll workers puts a good bit of work upon the committee in the way of segregation.

Mr. KNELL. I did not know the committee wanted it that way, or I should have done it.

The CHAIRMAN. That account was kept by a bookkeeper, was it?

Mr. KNELL. No.

The CHAIRMAN. How was it kept?

Mr. KNELL. I kept it on lead-pencil memorandum slips.

The CHAIRMAN. Where are they?

Mr. KNELL. I explained in the session of the joint committee that after this report was made to Mr. Stephenson, and was O. K.'d by him by his managers, paying me the difference between what I had been allowed and what I spent, I destroyed it, because I thought I was through with the matter; and Mr. Stephenson and his men having O. K.'d the account, I did not see any further use of keeping a box full of slips.

The CHAIRMAN. Is every item that was on a slip on that account?

Mr. KNELL. Yes, sir.

The CHAIRMAN. Were there any items that were not on slips?

Mr. KNELL. Not to my knowledge.

The CHAIRMAN. Your accounts balance, do they?

Mr. KNELL. Yes, sir.

The CHAIRMAN. Of course we can receive that account in evidence after having you properly verify it; but it leaves upon the committee the burden of separating it into classes. Have you more than one copy of the account?

Mr. KNELL. I have only one copy of the statement made to Mr. Stephenson; but I have additional copies of the statement made afterwards to the joint committee.

The CHAIRMAN. I want a copy of the paper that you are going to testify from, or I want the paper itself. Please hand it up.

Mr. LITTLEFIELD. That is a duplicate of what is found on page 596, I take it.

(Mr. Knell handed the paper to the chairman and conferred with him.)

The CHAIRMAN. Just make that explanation so that it will go into the record. You have handed the committee a statement upon the back of which is marked "Knell," in lead pencil.

Mr. KNELL. Yes. In my original statement, filed with Mr. Stephenson's managers, there was an item of \$5,833 for ward workers, precinct workers, and primary-day workers, expense for rigs, and so on. The committee wanted that itemized. I asked them for time to sit down and itemize that amount, and I did so. That statement I filed with the committee. At the end of the investigation or examination by the committee, I asked Mr. Marsh to be kind enough to exchange the statement that he held in his hand for the statement that I have in my hand. I had seen him write something on the statement, and I wanted that statement with some mark of identification upon it, so that in case the statement which they had in their record was ever lost I would not be under the suspicion that this statement had been fixed up.

The CHAIRMAN. That is the item, I suppose, entitled "Expense to ward and town managers, including conveyances, primary-day workers, etc., \$5,833"?

Mr. KNELL. That is the item.

The CHAIRMAN. That is the item to which you refer?

Mr. KNELL. Yes. That they wanted itemized, and I did it for them.

The CHAIRMAN. You itemized that. Have you a copy of it?

Mr. KNELL. That is attached right to that account. That is the statement on which my name is written.

The CHAIRMAN. Attached to this is the itemized account of that expenditure?

Mr. KNELL. Yes.

The CHAIRMAN. In which account you give the man's name, his residence, his business, and the amount paid him?

Mr. KNELL. Yes, sir. I want to call attention to that third-ward statement, if I may.

The CHAIRMAN. This account is by wards. All right. Give your statement.

Mr. KNELL. Wilcox says that he got only \$50. I have got him down for \$100. If Mr. Wilcox says he got only \$50, I believe that it is right. That statement was made up afterwards. That was in March, I think, and of course I may be mistaken on his amount. I take his word for it that he got only \$50.

The CHAIRMAN. Did you have a memorandum or slip from which you made up this statement?

Mr. KNELL. No; the memorandums were totaled, and that was the \$5,833. It was customary in Wisconsin to make that kind of a report.

The CHAIRMAN. How did you get at the items?

Mr. KNELL. By sitting down and taking ward after ward, and consulting with the manager I had in that ward, and getting the information as nearly as I could.

The CHAIRMAN. What was the official title of those men? Was Arthur Wilcox one of the election inspectors?

Mr. KNELL. The official title is "election inspector." Mr. Wilcox was introduced to me as the ward chairman of the third ward. I had no idea that he was an election inspector, and I do not think he was.

Senator POMERENE. Do you know?

Mr. KNELL. I could not swear to it. But I did not want men to work in the ward that were tied up in the booth, because they could not do anything on election day.

The CHAIRMAN. It is charged in the report made by the senate committee that you paid Arthur Wilcox, of the third precinct of the third ward, \$100, and that is charged to be a violation of the statutes of the State, he being an inspector.

Mr. KNELL. Mr. Wilcox was introduced to me as the ward chairman. I knew nothing of the fact that he had been or was to be an election inspector, if he was.

The CHAIRMAN. Have you learned since whether or not he was?

Mr. KNELL. He tells me he was not.

The CHAIRMAN. He said to the committee that he did not know whether or not he was.

Mr. KNELL. Since that time he was to look up the records. I was here when you asked him to look up the records. That was on a Saturday, I think. I asked him the Monday following, and he said to me that he was quite certain he was not an election inspector.

The CHAIRMAN. You are also charged with having paid Leo F. Kelpinski, an inspector of the fifth precinct of the fourteenth ward, \$55.

Mr. KNELL. I did not know that Mr. Kelpinski was an election inspector. He did not say so to me. He was brought in to me as a man who could do efficient work among the Polish people.

The CHAIRMAN. You are also charged with having paid to Archie Hamilton, one of the inspectors of the second precinct of the seventeenth ward, \$25.

Mr. KNELL. The work that Mr. Hamilton did was in the twelfth ward, and I had no knowledge that he was an election inspector.

The CHAIRMAN. I am reading from the report made by the committee of the senate of Wisconsin.

Mr. KNELL. I understand that they made numerous charges about me.

The CHAIRMAN. These are specifically set out at page 2243 of the senate committee's report.

Mr. KNELL. Yes, sir. I have never seen that report.

The CHAIRMAN. You say you did not know that those men were—if they were—election inspectors?

Mr. KNELL. I had no idea that they were. I had no intimation whatever that they were.

The CHAIRMAN. Where would the record of the appointment of the inspectors be found?

Mr. KNELL. I think the safest record to look up is the return to the county clerk, in the county clerk's office. There they have to sign their names.

The CHAIRMAN. They have to sign after the election, I suppose, when they make their report, do they?

Mr. KNELL. The night of the primary, as I remember, they have to fill out a blank that there were so-and-so many votes cast on the question of United States Senator, of which So-and-so got so many, So-and-so so many, and So-and-so so many. That is signed by the three inspectors. That would be the best evidence that I know of.

The CHAIRMAN. Where would they be now? Who is the custodian of them?

Mr. KNELL. The county clerk, as I remember it. It was a general primary.

The CHAIRMAN. Is the county clerk's office in this city?

Mr. KNELL. At the courthouse; yes, sir.

The CHAIRMAN. Are those reports retained?

Mr. KNELL. I do not know, but I think they are.

The CHAIRMAN. This primary occurred more than three years ago?

Mr. KNELL. Yes. I do not know how soon they destroy them, if they do destroy them.

The CHAIRMAN. Do you have a board of elections that would have any record of the appointment of these men?

Mr. KNELL. There was not. There is now. That is a new law, though.

The CHAIRMAN. There was not any board of elections then?

Mr. KNELL. There was not any at that time.

The CHAIRMAN. How were they appointed?

Mr. KNELL. They were appointed by the ward chairmen, subject to confirmation by the common council.

The CHAIRMAN. When did that confirmation take place?

Mr. KNELL. I understand they have to be appointed on or before the 1st of September preceding the general election. The ward chairmen select these men for each precinct, and send their names in to the mayor, and the mayor transmits them to the council, and the council confirms them or rejects them.

Senator POMERENE. Would not the council or the clerk of the council have some record of them?

Mr. KNELL. These names should be in the council proceedings.

Senator POMERENE. All these confirmations?

Mr. KNELL. Yes. But that would not be evidence that the men actually served.

The CHAIRMAN. If a man had been appointed and authorized to serve, it could not be known until election day whether or not he would serve?

Mr. KNELL. No. That is what I was going to say. If there is one missing, the other two inspectors have the power to fill the vacancy. That is why I say the best evidence would be the return made to the county clerk, where these men have signed in their own handwriting.

Senator POMERENE. There are three inspectors at each poll?

Mr. KNELL. There are three inspectors at each booth.

The CHAIRMAN. You say you are not aware that Wilcox, Kelpinski, and Hamilton were inspectors?

Mr. KNELL. Absolutely not. I do not even know to-day whether or not they were inspectors, except that Mr. Wilcox told me he was not, or did not serve.

The CHAIRMAN. Did you have vouchers for the items? Say, for instance, the check No. 9, to L. Breithaupt Printing Co., \$159.20.

Mr. KNELL. Those checks went to the bank. I never got those back.

The CHAIRMAN. I want to know whether or not a bill was rendered to you and receipted when it was paid?

Mr. KNELL. Yes, sir.

The CHAIRMAN. What became of those bills?

Mr. KNELL. Those were filed, with the report, with Mr. Sacket.

The CHAIRMAN. They were filed with Mr. Sacket?

Mr. KNELL. Yes; and I believe the chairman of the joint committee referred to them—that they had them. There were a lot of bills in there. I do not know what they turned out to be. In the testimony you will find Senator Marsh making this statement: "There have been a lot of papers filed with this report. I have not looked them over yet, and I do not know what they contain." Those were those bills, as I understand it.

The CHAIRMAN. You turned in all of the receipted bills that you had, did you?

Mr. KNELL. Yes, sir.

The CHAIRMAN. To Mr. Sacket?

Mr. KNELL. Yes, sir; in an envelope, with the report, to Mr. Sacket.

Mr. LITTLEFIELD. I will ask the chairman if we can not now have the box opened that has the loose miscellaneous bills in it which were left here by Mr. Essmann, so that the witness may be able to identify these bills, if there are any?

The CHAIRMAN. The secretary will give attention to the request of counsel.

Mr. LITTLEFIELD. We should like to have the pasteboard box that is said to contain a lot of miscellaneous bills.

(The secretary produced the box as requested.)

Mr. LITTLEFIELD (after examining the contents of the pasteboard box). This lot of stuff must have come from Mr. Sacket's office. It contains pay rolls and all kinds of things, printing bills, the Wisconsin Agriculturist, and so forth.

The CHAIRMAN. You bought your postage stamps in the post office in this city, did you?

Mr. KNELL. Yes, sir.

The CHAIRMAN. I find an item, "Expense on account of organization, \$5.60." What was the character of that expenditure?

Mr. LITTLEFIELD. What item does the chairman have in mind? I ask so that I shall not duplicate it.

The CHAIRMAN. This account is not paged.

Mr. KNELL. "Expenditures and cash."

Mr. LITTLEFIELD. I find an item like that on page 597 of the record.

The CHAIRMAN. I merely want to know what class of items is so designated.

Mr. KNELL. I will explain to you just how I went about organizing the campaign, and that will show for what that money was spent. When I started I would send out for a man, say, in the first, second, or third ward, to come in and see me. Most of these men were working, and they came in probably along about 5 or half past 5 o'clock. We would be talking with the men. It would be about dinner time. I would ask them to go along out and have dinner with me, saying, "We can talk it over while we are enjoying our dinner." We would probably buy a drink, and probably buy a cigar, and then street-car fare. If I felt that I ought to look over a certain route that was not too far away from the city, I would take the street car and go up and down the streets to see whether the literature had been properly distributed. If it was any lengthy trip, I would take an automobile, for \$3 or \$4. Such items are covered by "Expense on account of organization" from day to day, and sometimes they would be more and sometimes they would be less.

The CHAIRMAN. On one page I find more than 25 items that are expressed in that way.

Mr. KNELL. That was the daily expense. It is dated there.

The CHAIRMAN. The account says: "Expense on account of organization," and the amount varies; it runs fifteen and twenty dollars, and so on. Does that include entertainment, generally? Were those items for entertainment?

Mr. KNELL. Yes. When I would invite parties out for dinner or luncheon, that was included there.

The CHAIRMAN. For instance, on the 17th, the 18th, the 19th, the 20th, and the 21st of July there are items on account of organization.

Mr. KNELL. Yes.

The CHAIRMAN. \$7.85, \$12.05, \$18.35, \$6.55, \$4.60, \$16.40.

Mr. KNELL. That was the daily expense. I kept tab on it every day, for just such items as bringing a man to the office and talking over the situation. If it was near dinner time or luncheon time, I would ask him to go out and take a meal, with probably another man, if we happened to meet him, and we would talk over the situation, and I would get them interested in Senator Stephenson's campaign.

The CHAIRMAN. That was going on all the time?

Mr. KNELL. Every day.

The CHAIRMAN. There is no item representing any itemized statement as to that expenditure?

Mr. KNELL. No. They were all expenditures of less than \$5, and would not have to be accounted for under the law.

The CHAIRMAN. You made the entry at the end of the day?

Mr. KNELL. Yes; every day.

The CHAIRMAN. How much, if anything, did you expend for drinks and cigars? Have you figured it up?

Mr. KNELL. Not a great deal.

The CHAIRMAN. At what would you estimate it?

Mr. KNELL. Oh, I should not estimate it at over 10 per cent. Those items also are included in this.

Senator POMERENE. That is, 10 per cent of the \$11,000?

Mr. KNELL. Oh, no; 10 per cent of these amounts.

Mr. LITTLEFIELD. What amounts? Do you mean those marked "for organization"?

Mr. KNELL. Expense on account of organization. After the literature had been distributed, to satisfy myself that it was well done, as I happened to have an hour or two of time on my hands I would take an automobile and go along the prominent streets, and see if it had been properly distributed. That is included in that. They charge \$4 an hour for an automobile.

Mr. LITTLEFIELD. Yes; I know that.

Mr. KNELL. You have been there?

Mr. LITTLEFIELD. To be sure; and I have paid for it.

The CHAIRMAN. Your pay roll seems to have been about \$170 a week.

Mr. KNELL. No; that was the last one. It started with less than \$100 and ran up in the last week, I think, to about \$170. I had some 10 or 12 people working there.

The CHAIRMAN. You have items here to "Greek manager," to "Hebrew manager," and to "Italian manager." You took into consideration the nationalities, I suppose?

Mr. KNELL. I organized this county as I never organized it before. I did not overlook any wire that I could get hold of and pull.

The CHAIRMAN. You gave to the Greek manager \$110, and to the Hebrew manager only \$45. Do Greeks predominate over Hebrews here?

Mr. KNELL. That can be explained in this way: The Hebrew manager was working for me all during the campaign at a regular salary per week; and he really wanted only, I think, eight primary day workers at \$5 apiece, and \$5 for himself on that day. That makes \$45.

The CHAIRMAN. You had the Wilson Detective Agency watching the mails, for which \$12 was charged.

Mr. KNELL. Yes. We had about eighty or ninety thousand letters with the stamps on them, and I thought it might be a good idea to see that they got into the post office, and were not destroyed before they got there. I did not take any chances.

The CHAIRMAN. You have total disbursements of \$12,103.21. Then you credit back \$216.60.

Mr. KNELL. Yes.

The CHAIRMAN. Leaving the actual amount of disbursements \$11,886.61.

Mr. KNELL. Yes.

The CHAIRMAN. And the amount received, \$11,600; then disbursements in excess of receipts, \$286.61. Who paid that?

Mr. KNELL. I got a check some time along in October, I think it was, from Mr. Puelicher.

The CHAIRMAN. Was all this money expended before the primary election?

Mr. KNELL. Yes; before the primary election.

The CHAIRMAN. Did you have charge of the campaign in this county or city during the regular election campaign?

Mr. KNELL. Yes; during the regular primary campaign. After the primary was over I was through; and I had nothing more to do with it except that I took a hand in the general county election.

The CHAIRMAN. You have accounted here for the money paid out in each ward, giving the names, etc.

Mr. KNELL. Yes.

The CHAIRMAN. And you account here for \$5,833.

Mr. KNELL. \$5,833—all except a few hundred dollars that I could not remember that had been disbursed in smaller amounts.

Senator POMERENE. How much?

Mr. KNELL. A few hundred dollars.

The CHAIRMAN. Does that include all the wards in the city?

Mr. KNELL. That includes all the wards in the city, all the wards in the fourth-class cities, and all the villages and seven towns constituting this county.

The CHAIRMAN. That is for that class of work?

Mr. KNELL. All for that work.

The CHAIRMAN. That does not include all expenditures in these wards, but just for that class of work?

Mr. KNELL. Yes; for that class of work.

The CHAIRMAN. We will glance at these items. Here is Tom Novotny. You paid him \$150?

Mr. KNELL. Yes.

The CHAIRMAN. What was that for?

Mr. KNELL. Tom Novotny was the ward manager for the eighth ward or the twenty-third ward. I think it is the eighth.

The CHAIRMAN. As I read it here, it is the third ward—Tom Novotny, Tenth Avenue and Scott Street.

Mr. KNELL. That is the eighth ward.

The CHAIRMAN. It is not very clear on this account.

Mr. KNELL. There is no Tom Novotny in the third ward. That is the eighth ward.

The CHAIRMAN. Was that for expenditures in his saloon, or was the money expended by him for other purposes?

Mr. KNELL. Tom Novotny was the ward manager. He was to get one man in each precinct. I think the eighth ward had four or five precincts. He was to work during the entire campaign to see that literature was properly distributed, put up, and kept up. He was to employ at least two men for primary day at each booth. There were some places where they had three and four. He was to furnish any rigs they might want on primary day to get out the vote, and in general was to look after the interests of Senator Stephenson in that ward. Of course, if he had any friends outside of that ward he was to talk to them and enlist their support.

The CHAIRMAN. Did he render you any statement as to the expenditure of that money?

Mr. KNELL. No; and I did not ask him for it.

The CHAIRMAN. Did any of these men?

Mr. KNELL. No. The arrangement was this: When they first came to me I would say, "This is what I want. You make an estimate and let me know what you think it will cost to do that work in that ward." They did that, and of course they did not always get what they wanted. Sometimes they wanted \$1,500 or \$2,500; but they did not get anywhere near that amount.

The CHAIRMAN. They would get a hundred dollars in those circumstances, I suppose?

Mr. KNELL. Some would get less, and some did not get anything. I would agree on the amount, and they would get part of it right away, and as the campaign progressed they would keep on getting money; and the day before primary day, to pay the primary-day workers, they would get the balance. I did not think it was necessary to ask for a statement, because no such statement had ever been filed under the primary law by anybody. It is customary to bulk these different amounts.

The CHAIRMAN. I notice here the name of A. Rosenstein, in the fifteenth ward. He is noted as a saloon keeper. He received \$325 and \$20, making \$345. Is that for the same class of work?

Mr. KNELL. That is the same class of work; and in addition to the fifteenth ward he was to look after a settlement just west of the fifteenth ward, which is known as Center City.

Mr. LITTLEFIELD. How many precincts did it cover?

Mr. KNELL. About seven or eight.

The CHAIRMAN. Then the notation "saloons" does not indicate that the money was expended in the saloons?

Mr. KNELL. I was going to say that those men were not hired because they were saloon keepers, but because they were men who had always been active in the city in politics, and had influence, and had

a lot of freinds that they could reach and get to work on behalf of Senator Stephenson.

The CHAIRMAN. I notice you gave farmers \$10 and \$15 apiece. There are four farmers in one group there.

Mr. LITTLEFIELD. Where is that?

The CHAIRMAN. This is the town of Wauwatosa.

Mr. KNELL. That is right.

The CHAIRMAN. You paid farmers \$15, \$10, and \$10.

Mr. KNELL. They were to furnish conveyances on primary day, and keep themselves busy getting the farmers to the booths, and taking them back to their work, so that they would not lose any more time than was necessary.

The CHAIRMAN. Was any of this money in the county of Milwaukee expended for the purpose of bribing or corrupting any elector to vote for Senator Stephenson?

Mr. KNELL. Absolutely none. I would not have anything to do with such a campaign.

The CHAIRMAN. I think that is all I desire to ask this witness at this time.

The statement to which I have been referring will be marked "Exhibit 1" in connection with the testimony of this witness.

(The reporter marked the paper referred to "Exhibit Knell 1, October 25, 1911.")

Said paper is as follows:

EXHIBIT KNELL 1, OCTOBER 25, 1911.

BILLS PAID BY CHECK.

Check No.	Name, and for what expended.	Amount.
5	L. Breithaupt Printing Co., printing.....	\$36. 25
8	John Calahan, rent.....	25. 00
9	L. Breithaupt Printing Co.....	159. 20
10	Knell, Pregal & Steltz Co., cigars.....	29. 50
11	Saxe Sign Co., signs.....	24. 35
12	H. H. West Co., stationery.....	11. 20
13	Streissguth-Petran Co., halftones and cuts.....	25. 65
14	Laudon Electrotyping Co., electros.....	14. 70
15	Remington Typewriter Co., rent.....	15. 00
16	Siekert & Baum Stationery Co., stationery.....	37. 50
17	Standard Paper Co., case of envelopes.....	26. 24
18	Wm. C. Kreul Co., rent.....	46. 00
21	Standard Paper Co., case of envelopes.....	26. 24
22	David C. Owen, 25 M 2-cent stamps.....	500. 00
26	F. L. Schneider, distributing.....	60. 00
27	Keystone Printing Co., advertising.....	15. 00
29	Edw. Pepper, distributing.....	60. 00
30	Keystone Printing Co., 100 M sample ballots.....	125. 00
32	H. Sperber, advertising.....	25. 00
33	Cream City Bill Posting Co., fifty 20-sheet posters.....	130. 00
35	Siekert & Baum Stationery Co., stationery.....	5. 35
36	Standard Paper Co., case of envelopes.....	26. 24
37	Knell, Pregal & Steltz Co., cigars.....	29. 50
38	Rosberg Adv. Co., printing letters.....	25. 00
39	S. E. Tate Printing Co., cards.....	15. 00
40	Streissguth-Petran Co., cuts.....	. 75
41	Waukesha-Roxo Co., water.....	3. 68
42	Schwaab Stamp & Seal Co., rubber stamps.....	2. 25
43	P. J. Sullivan, account distributing.....	50. 00
44	L. Breithaupt Printing Co., printing.....	199. 50
45	Juneau Press, Jewish cards.....	15. 00
47	D. C. Owen, 50 M 1-cent stamps.....	500. 00
48	D. C. Owen, 40 M 1-cent stamps.....	400. 00
50	John Calahan, rent.....	10. 00
51	Rosberg Advertising Co., printing letters.....	7. 50
52	S. E. Tate Printing Co., Slavonic cards.....	6. 50
53	Benoy Printing Co., advertising.....	12. 00
54	Remington Typewriter Co., rent.....	12. 00
55	Waukesha-Roxo Co., water and ice.....	7. 10

EXHIBIT KNELL 1, OCTOBER 25, 1911—Continued.

BILLS PAID BY CHECK—Continued.

Check No.	Name, and for what expended.	Amount.
PERSONAL CHECK.		
612	Lee Merville, expenses West Allis meeting	\$27. 50
615	Jones Island workers on primary day (2)	20. 00
619	Rambler Garage Co., auto hire	43. 50
620	S. E. Tate Printing Co., Slavonic cards (second lot)	6. 50
629	Wm. C. Kreul Co., 1 chair claimed lost	2. 25
633	Knell-Prenzel & Steltz Co., cigars	13. 00
638	Wisconsin Telephone Co., rental, etc.	32. 10
	Total	2,864. 05

CASH DISBURSEMENTS.

Date.	For what expended.	Amount.
1908		
July 1	Expenses to Wausau and return, two persons	\$21. 60
2	Expenses account of organization	7. 65
3	Rent for headquarters, 2 months	150. 00
4	Expenses on account of organization	9. 15
9	do	3. 75
10	do	15. 20
11	do	9. 65
12	do	14. 90
13	Broom, etc.	1. 00
	Expenses on account of organization	5. 60
14	Window screens	1. 75
	Expenses on account of organization	10. 40
	Wages to help, week ending July 11	20. 00
	Expenses on account of organization	5. 80
15	Expenses, 1 man to attend colored picnic	5. 00
	Expenses on account of organization	18. 70
16	Hammer, screw driver, etc.	1. 36
	Guse, services	2. 00
	Expenses on account of organization	7. 55
	1,000 postage stamps	20. 00
17	Expenses on account of organization	9. 25
	do	17. 85
18	do	12. 05
19	do	18. 35
20	do	6. 55
21	do	4. 60
	do	16. 40
	Fowler Towel Supply Co.	1. 00
22	Livery hire	2. 00
	Expenses on account of organization	12. 35
	Wages, week ending July 18	65. 55
23	Livery hire	2. 50
	Tacks, etc.	1. 10
	Expenses on account of organization	13. 55
24	do	11. 70
	Boy, omitted from last pay roll	5. 00
	Tickets for Catholic Forester picnic	1. 00
	Tickets for West Allis Firemen's Tournament	1. 00
25	One man to Allis-Chalmers picnic at Waukesha	10. 00
	Livery hire	5. 00
	One man to picnic of colored church	5. 00
	Expenses on account of organization	21. 65
	Expenses on account of organization in towns	34. 10
27	Roberts, expenses looking up Welsh voters .....	. 75
	Car tickets	1. 00
	Pay roll, week ending July 25	124. 00
	Expenses on account of organization	15. 70
28	J. F. Haunty, distributing	6. 00
	Expenses on account of organization	15. 10
29	do	8. 65
	Expenses obtaining signatures to nomination papers	184. 20
	5,000 2-cent stamps	100. 00
	Expenses on account of organization	14. 50
	Wauwatosa poll lists (typewritten)	10. 00
30	Livery hire (4 days)	10. 00
	Expenses checking poll lists of city of Milwaukee	130. 00
	Expenses on account of organization	13. 75

CASH DISBURSEMENTS—Continued.

Date.	For what expended.	Amount.
1908		
July 31	One man at Welsh picnic	\$5.00
	Street-car tickets	1.00
	Expenses on account of organization	7.00
Aug. 1	Expenses on account of organization	13.85
2	do	7.10
3	Pay roll, week ending Aug. 1	143.50
	Expenses on account of organization	6.50
4	Expenses to McMahon	1.50
	Hammer, etc.	3.00
	Expenses to Cohen	1.50
	Expenses on account of organization	9.40
5	Expenses billing and organizing town of Greenfield	43.95
	Expenses to Cohen and others	6.50
	Expenses on account of organization	11.40
6	do	7.35
	Expenses to one "toucher" .....	.50
7	Expenses on account of organization	11.45
8	do	17.45
9	do	32.10
	Expenses to McMahon	1.35
10	Pay roll, week ending Aug. 8	153.50
	Services by National Quatette	10.00
	Expenses on account of organization	7.00
11	Copying 18th ward poll list	10.00
	Expenses to H. P. K., work in 23d ward	4.00
	Expenses on account of organization	11.65
12	City Directory	5.00
	Expenses on account of organization	17.30
13	Expenses to F. S., 5th ward	2.00
	Expenses to old soldier for frame	5.00
	Livery hire	7.50
	Expenses colored voters meeting	4.00
	Expenses on account of organization	11.30
14	Expenses to Roberts, looking up Welsh voters	2.00
	Expenses on account of organization	16.20
	Touches by various lesser lights	3.50
15	Expressman taking mail to post office .....	.75
	Expenses on account of organization	17.40
16	do	23.15
17	Telephone tolls	1.50
	Expenses on account of organization	19.10
	Pay roll, week ending Aug. 15	142.50
18	Auto hire	5.50
	Tickets to picnic of Railway Trainmen	2.00
	Expenses on account of organizing	14.65
19	do	21.35
20	Tickets to picnic of Electrical Workers Union	5.00
	Numerous and various touchers	17.00
	Expenses on account of organization	8.45
21	Hall rent, West Allis meeting	15.00
	Expenses with delegation of railway employees	5.40
	Expenses on account of organization	22.10
22	Livery hire	5.00
	Expenses two men at Jewish picnic	6.00
	Expenses on account of organization	14.70
23	Expenses trip through Ghetto (three men)	35.00
	Livery hire	2.00
	Tickets from Benevolent Society	2.00
	Expressman, hauling mail	2.50
	Expenses to McMahon	2.05
	Expenses on account of organization	9.30
24	Pay roll, week ending Aug. 22	174.85
	Expenses picnic at Waukesha, Street Railway employees	20.00
	Tickets, Co. D., Wis. National Guards	10.00
	Additional pay roll, week ending Aug. 22	3.40
	Advertising, colored men's paper	5.00
	Services, National Quartette (various occasions)	16.00
	Expenses on account of organization	32.75
25	Touch by two old soldiers	2.00
	Touch by two heelers	2.00
	Expenses on account of organization	17.40
26	Advertising, bartenders program	4.00
	Expenses on account of organization	22.30
27	do	18.70
29	do	17.65
30	do	31.15
	Tickets, game of Milwaukee base ball league	2.00
	Expenses with Phoenix and Liberty Clubs	10.00

CASH DISBURSEMENTS—Continued.

Date.	For what expended.	Amount.
1908		
Aug. 30	Three citizenship papers.....	\$3.00
	Expenses to McMahon.....	4.00
	Two teams, primary day, town of Greenfield.....	12.00
	One team, primary day, town of Wauwatosa.....	7.00
	Expenses to ward and town managers, including conveyances, primary-day workers, etc.....	5,833.00
	Expenses to Greek manager and primary-day workers.....	110.00
	Expenses to Hebrew manager, and primary-day workers.....	45.00
	P. J. Sullivan, balance, distributing.....	70.00
	Final pay roll.....	155.50
	Advertising, Italian paper.....	10.00
	Towell Bros., advertising.....	34.85
	Patterson Typewriting Co.; letters, etc.....	118.45
	Advertising in colored men's paper.....	5.00
	E. H. Daniels & Co., tacks, etc.....	1.20
	Siekert & Baum Stationery Co.....	6.20
	Fowler Towel Supply Co.....	1.00
	Advertising, aldermanic ball game program.....	15.00
	Humphrey, (Welsh) primary-day worker (not in total).....	20.00
	Auto to West Allis meeting (Spehn).....	8.00
	Wilson Detective Agency, watching mail.....	12.00
	Chas. S. McGinn, distributing.....	75.00
	Keystone Printing Co., printing, etc.....	60.75
		9,239.16

RECAPITULATION.

Amount disbursed in cash.....	\$9,239.16
Amount disbursed by check.....	2,864.05
Total disbursements.....	12,103.21
Credits:	
Stamps returned to postmaster.....	\$100.00
Stamps on hand.....	17.80
Envelopes on hand 20-1/2M.....	12.30
Cigars on hand.....	6.59
L. Breithaupt Printing Co.....	60.00
Other supplies and material on hand and usable (estimated).....	20.00
Total credits.....	216.60
	216.60
Actual or net amount disbursed.....	11,886.61
Amount received.....	11,600.00
Disbursements in excess of receipts.....	286.61

Names, addresses, and occupations of the persons and the amount of money paid to each of the persons participating in the distribution of the \$5,833.

Name.	Address.	Occupation.	Amount.
FIRST WARD.			
Chester Roberts.....	711 Racine Street.....	Real estate and loans.....	\$100.00
R. Humphry.....	184 Knapp Street.....	Contractor.....	20.00
SECOND WARD.			
O. Janssen.....			80.00
(?).....	(?).....	(?).....	20.00
THIRD WARD.			
Arthur Wilcox.....	342 Jackson Street.....	Gas fitter.....	100.00
Dominic Baroni.....	177 Michigan Street.....	Notary public.....	25.00
FOURTH WARD.			
Wm. O'Connor.....	822 Sycamore Street.....	Superintendent garbage hoist.....	500.00
(?).....	(?).....	(?) (about).....	50.00
FIFTH WARD.			
Fred Stark, jr.....	214 Greenbush Street.....	No regular occupation.....	100.00

Names, addresses, and occupations of the persons and the amount of money paid to each of the persons participating in the distribution of the \$5,833—Continued.

Name.	Address.	Occupation.	Amount.
SIXTH WARD.			
Emil C. Hammer.....	141 North Avenue.....	Barber.....	\$160.00
H. E. Ruggaber.....	640 Third Street.....	Clerk.....	15.00
SEVENTH WARD			
Geo. B. McKinley.....	405 Van Buren Street.....	Salesman.....	150.00
EIGHTH WARD.			
Tom Novotny.....	Tenth Avenue and Scott Street..	Saloon.....	150.00
NINTH WARD.			
.....	.....	.....	100.00
TENTH WARD.			
.....	.....	.....	100.00
ELEVENTH WARD.			
Martin E. Wilde.....	557 Seventh Avenue.....	Real estate and loans.....	100.00
TWELFTH WARD.			
Wm. Bark.....	411 Greenfield Avenue.....	Barber.....	125.00
Archie Hamilton.....	224 Lenox Street.....	Clerk.....	25.00
THIRTEENTH WARD.			
John Sonnenburg.....	980 Richards Street.....	Union Monument Co.....	170.00
FOURTEENTH WARD.			
Leo F. Kelpinski.....	929 Tenth Avenue.....	Assistant superintendent.....	{ 100.00 55.00
FIFTEENTH WARD.			
A. Rosenhein.....	1405 Vliet Street.....	Saloon.....	325.00
Do.....	do.....	do.....	20.00
SIXTEENTH WARD.			
T. L. Clary.....	656½ Thirty-fifth Street.....	Railroad conductor.....	} 450.00
Alf. J. Klumb.....	3226 Park Hill Avenue.....	Locomotive engineer.....	
W. G. Breckenridge.....	317 Twenty-third Avenue.....	Yardman.....	25.00
(?) Mahoney.....	(?).....	Railroad man.....	25.00
A. N. Lucas.....	3115 Sycamore Street.....	Foreman.....	25.00
E. Edwards.....	3034 Thirty-third Street.....	Locomotive engineer.....	25.00
(?) Fischer.....	do.....	Railroad man.....	15.00
James O'Connor.....	3500 Canal Street.....	Saloon and restaurant.....	10.00
(?) Young.....	(?).....	Railroad man.....	25.00
(?) Brady.....	(?).....	do.....	25.00
(?) Fair.....	(?).....	do.....	25.00
Total.....	.....	.....	3,240.00
SEVENTEENTH WARD.			
J. Redfern.....	387 Beulah Avenue.....	Iron worker.....	} 145.00
W. Lawrie.....	392 Beulah Avenue.....	Molder.....	
G. Edmunds.....	349 Beulah Avenue.....	Iron worker.....	50.00
C. E. Hickman.....	212 Woodward Avenue.....	Bookkeeper.....	25.00
J. M. Douglas.....	400 Superior Street.....	Pattern maker.....	20.00
EIGHTEENTH WARD.			
Phil S. Farley.....	392 Oakland Avenue.....	Foreman.....	} 180.00
H. P. Lochemes.....	630 Bartlett Street.....	Plumber.....	
J. Haunty.....	(?).....	Electrician.....	10.00
Naczok.....	(?).....	(?).....	25.00
Nolan.....	(?).....	(?).....	10.00
NINETEENTH WARD.			
.....	.....	.....	100.00
TWENTIETH WARD.			
O. F. Krueger.....	1044 Teutonia Avenue.....	Physician.....	145.00

Names, addresses, and occupations of the persons and the amount of money paid to each of the persons participating in the distribution of the \$5,833—Continued.

Name.	Address.	Occupation.	Amount.
TWENTY-FIRST WARD.			
H. S. Young.....	1318 Richards Street.....	.....	\$125.00
TWENTY-SECOND WARD.			
W. R. Jones.....	850 Twenty-seventh Street.....	Salesman.....	100.00
H. J. Hanson.....	685 Thirty-fourth Street.....	Assistant paymaster.....	50.00
Geo. Luther.....	763 Twenty-eighth Street.....	Salesman.....	30.00
TWENTY-THIRD WARD.			
H. C. Kapanka.....	862 National Avenue.....	Barber.....	80.00
(?).....	(?).....	(?).....	20.00
WEST ALLIS.			
Lee G. Merville.....	West Allis, Wis.....	Machinist.....	200.00
(?) Pavelick.....	do.....	(?).....	30.00
SOLDIERS' HOME.			
(?) Hart.....	National Home, Wis.....	Sergeant.....	50.00
(?).....	(?).....	(?).....	20.00
SOUTH MILWAUKEE.			
Geo. Anderson.....	South Milwaukee, Wis.....	Molder (?).....	60.00
WEST MILWAUKEE.			
H. B. Daggett.....	449 Forty-third Avenue.....	Real estate and loans.....	175.00
CITY OF WAUWATOSA.			
Geo. Lund.....	Wauwatosa, Wis.....	Saloon.....	40.00
(?).....	(?).....	(?).....	10.00
TOWN OF WAUWATOSA.			
Christ Sommers.....	Wauwatosa, Wis.....	Farmer.....	15.00
John Barnekow.....	do.....	do.....	10.00
Gillett.....	do.....	do.....	10.00
(?).....	do.....	do.....	10.00
TOWNS OF GREENFIELD AND FRANKLIN.			
Schneider (?).....	(?).....	(?).....	50.00
VILLAGE OF NORTH MILWAUKEE.			
H. Brielmeire.....	North Milwaukee, Wis.....	Saloon.....	20.00
CITY OF CUDAHY.			
(?).....	(?).....	(?).....	40.00
VILLAGE OF WHITEFISH BAY.			
John Singles.....	Whitefish Bay, Wis.....	General store.....	20.00
TOWN OF MILWAUKEE.			
John Kuettmeyer.....	Green Tree, Milwaukee County.....	Saloon.....	10.00
(?).....	(?).....	Truck gardener.....	5.00
Four primary day workers.....	(?).....	(?).....	20.00
TOWN OF GRANVILLE.			
Louis Tennesen.....	West Granville, Wis.....	Saloon.....	10.00
Theo. Schweitzer.....	Brown Deer, Wis.....	do.....	10.00
TOWN OF OAK CREEK.			
Primary day workers and teams.....	(?).....	(?).....	20.00
Total.....	.....	.....	5,190.00

Names, addresses, and occupations of the persons and the amount of money paid to each of the persons participating in the distribution of the \$5,833—Continued.

Name.	Address.	Occupation.	Amount.
TOWN OF LAKE.			
M. Hurley.....	358 Scott Street.....	Teamster.....	\$40.00
(?).....	(?).....	(?).....	30.00
VILLAGE OF EAST MILWAUKEE.			
Primary day worker and team.	.....	.....	10.00
McMitten, lives near Hales Corners, furnished two teams on primary day.....			
Two horses and buggy, town of Wauwatosa, on primary day.....			\$15.00
One man, name and location unknown, primary day.....			10.00
One assistant manager, having general supervision of the organization work, office help, and field work, for expenses during about eight weeks.....			3.00
Primary night, bringing in returns from outlying districts.....			350.00
.....			80.00-100.00
Total.....			5,748.00
Amount shown in report to Stephenson managers.....			5,833.00
Amount received from Mr. Edmonds, by him reported.....			300.00
Total disbursed.....			6,133.00
Amount enumerated in foregoing statement.....			5,748.00
Disbursed to men whose names are not remembered.....			385.00

By way of explanation I wish to state, with reference to the wards in which the largest amounts have been placed, as follows:

Fourth ward.—This ward manager was to look after part of the so-called railroad vote and the colored vote. The colored population of Milwaukee is split into almost as many factions as is the Republican Party and Democratic Party combined. And then some.

Fifteenth ward.—This ward manager was to look after the vote of a thickly populated district immediately west of the ward and commonly called Center City. It is in the town of Wauwatosa and not incorporated.

Sixteenth ward.—These ward managers, and the others enumerated, were to look after the so-called railroad vote, the railroad shops, railroad yards, switch yards, and that part of the town of Wauwatosa adjoining these different yards and shops, as well as the railroad vote in general in the county.

West Allis.—This manager was to look after part of the so-called soldiers' home vote and part of the town of Greenfield.

West Milwaukee.—This manager was to look after part of the so-called soldiers' home vote and the northeast part (most thickly populated) of the town of Greenfield.

Fourteenth ward.—Leo F. Kelpinski was to receive \$110, one-half cash, the balance when the primary was over. He was to look after, I believe, two precincts in the fourteenth ward, two in the eighteenth ward, and one each in the thirteenth and twenty-first wards. A few days after paying him \$55 one of my deputies rang me up on an evening and the following conversation ensued: "Is this the sheriff?" "Yes." "This is Matuszewski." "Well, what is it, Matt?" "I thought you said Leo Kelpinski was working for you?" "So he agreed to." "Is he got the money?" "Part of it." "Well, you're done." "Why do you say so?" "I just saw a check for \$100 which he cashed in a saloon down here. It was Cook money." "You saw the check? Are you sure of that?" "I saw the check with my own eyes, I can swear to it." I then said, "Well, you know, Matt, that one is got to expect a certain amount of 'double-crossing' in politics."

That ended the conversation, and naturally I refused to pay the balance claimed to be due.

Greek manager.—Mr. Sarrass, given name and address unknown at this time. He lives in the northwestern part of the city and I meet him occasionally. Mr. Sarrass was to secure the services of, I believe, nine primary day workers, aggregating \$45, and the balance was to be for his services and expenses. About two weeks' work.

Hebrew workers.—Mr. Abe Cohen received \$45 for which he was to secure eight primary day workers, aggregating \$40, and for the other \$5 he was to busy himself on primary day looking after his men.

First ward, 1; fifth ward, 1; sixth ward, 3; ninth ward, 2; tenth ward, 1.

Number of voting precincts in Milwaukee County.

City of Milwaukee:		Fourth-class cities:	
First ward.....	4	Wauwatosa.....	4
Second ward.....	5	West Allis.....	4
Third ward.....	3	Cudahy.....	4
Fourth ward.....	5	South Milwaukee.....	4
Fifth ward.....	5		
Sixth ward.....	6	Total.....	16
Seventh ward.....	4		
Eighth ward.....	4	Villages:	
Ninth ward.....	7	East Milwaukee.....	1
Tenth ward.....	6	West Front Bay.....	1
Eleventh ward.....	8	North Milwaukee.....	1
Twelfth ward.....	5	West Milwaukee.....	1
Thirteenth ward.....	7		
Fourteenth ward.....	7	Total.....	4
Fifteenth ward.....	7		
Sixteenth ward.....	5	Towns:	
Seventeenth ward.....	5	Milwaukee.....	2
Eighteenth ward.....	6	Granville.....	1
Nineteenth ward.....	5	Wauwatosa.....	6
Twentieth ward.....	7	Greenfield.....	5
Twenty-first ward.....	5	Franklin.....	1
Twenty-second ward.....	6	Oak Creek.....	1
Twenty-third ward.....	4	Lake.....	3
Total city.....	126	Total.....	19
		Grand total.....	165

(On the reverse side of the last sheet of this account is written in lead pencil "Knell.")

The CHAIRMAN. Before I close my examination, Mr. Knell, I wish to call your attention to some questions that you were asked in the former examination, and to inquire what you meant by the statement you there made. It seems to me an usual statement. You were asked and answered as follows:

Q. If you had \$5,000 more you could have gone into some other wards and got some other men?—A. I think we could, but I don't think it would have done any good.

Q. Do you wish us to understand that you could have accomplished the same thing, and got these men, as you did, if you hadn't put up the \$11,000 into Milwaukee?—A. I could, if the other candidates hadn't put any in.

What do you mean by that, or what did you mean at that time?

Mr. KNELL. I meant by that that I had to meet the fight of the other candidates. That is what I told Mr. Puelicher from the beginning.

The CHAIRMAN. Was it a question of matching dollars?

Mr. KNELL. No; it was a question of meeting a man on his own ground.

The CHAIRMAN. If the other men were putting up money, were they putting it up for an unlawful purpose?

Mr. KNELL. No; I would not say that. I do not think any one of them would. I know all of those gentlemen. But they went out and made a certain fight.

The CHAIRMAN. What did they do that you had to undo?

Mr. KNELL. I did not have to undo it. I would not attempt to undo it. In fact, I forgot there were any other candidates, and so instructed my men. I said, "Never mention the opponents, because every time you do you advertise them." When I make any

political fight I am going out to sell my own goods, the way a traveling salesman does. You can not sell your goods by knocking the other man's goods. Every time you knock the other man you bring him to the attention of people. There are other men running in the campaigns; but so far as I am concerned in a campaign the others are all dead. I do not know them. These men went out and organized the county, getting men to do the work, and I had to do the same work.

The CHAIRMAN. And you think it was necessary to expend \$11,000 in the county of Milwaukee in order to obtain the votes that were cast for Senator Stephenson?

Mr. KNELL. It was necessary to get up the best kind of an organization, to arouse sentiment——

The CHAIRMAN. You do not answer the question that is asked. Do you think it was necessary to expend \$11,000 in the county of Milwaukee to get out for Senator Stephenson the vote which he received?

Mr. KNELL. It was necessary to expend that amount of money to get up the organization I got up, and get as many votes as we possibly could.

The CHAIRMAN. You were organizing a friendly force, it appears. In the absence of the organization, would they have voted for somebody else?

Mr. KNELL. I do not know. They probably would not have taken any interest at all. The question was this, and I think I so testified: That if they were doing this for me they would be glad to work for nothing; but they would say, "Why should we work for nothing for a man who is reported in the newspapers to be worth \$30,000,000?"

The CHAIRMAN. Do you say that is the sentiment that prevailed and was the moving sentiment in this contest?

Mr. KNELL. To a great extent. All wanted to be paid for the work they did; not for their votes.

The CHAIRMAN. If a man is known to be very rich, then they would make it a condition precedent to voting for him that he should pay them?

Mr. KNELL. No, sir; not for voting for him, but for working for him.

The CHAIRMAN. Just connect up this work with the vote that was cast. What is the relation between the work and the vote?

Mr. KNELL. The voters—that is, the men that were to vote—probably did not know anything about the organization at all. They were asked, if they had no other choice, to vote for Senator Stephenson. Some did, and some did not.

The CHAIRMAN. Would they have voted for him if they had not been asked?

Mr. KNELL. It happens very frequently in this county that some candidates for some particular office are almost entirely forgotten. People go in and vote for a few, and do not vote for the rest unless their attention is called to it. That is the object of the primary-day workers in handing men a card saying, "Do not forget to vote for this man."

The CHAIRMAN. How many workers did you have in this county?

Mr. KNELL. There were 166 precincts in this county at that time; and there would be not less than two, and in some localities three and four, where they had to have a rig to bring out the voters.

The CHAIRMAN. You had probably somewhere near 500 workers; did you?

Mr. KNELL. No; I think not.

The CHAIRMAN. Figure that up.

Mr. KNELL. Probably 400.

The CHAIRMAN. You think that would be a fair statement of the number of workers that you had for Senator Stephenson?

Mr. KNELL. That would include the primary-day workers, who had not done any work otherwise.

The CHAIRMAN. I intended to include all that worked for him.

Mr. KNELL. Yes.

The CHAIRMAN. They were all electors, I suppose, and voted?

Mr. KNELL. Yes; I suppose so.

The CHAIRMAN. Do you think they all voted for Senator Stephenson?

Mr. KNELL. I do not know. I heard some reports that men had gotten money from me who did not even vote for Senator Stephenson.

The CHAIRMAN. Did you get any reports that men who got money from you did not do anything in consideration of it?

Mr. KNELL. Nothing except what was intimated in the examination before the joint committee. They intimated that several men got money from other headquarters, too. I told them if that was a fact, and they had any evidence of it, I would like to have it.

The CHAIRMAN. I should like to connect the influence of the expenditure of \$11,000 with the votes that were cast at the polls. Where did they come in contact?

Mr. KNELL. It is not fair, I think, to say "\$11,000," because a great deal of that sum went for printing and postage. Of course, getting a circular letter would have some influence; yes. That is what they are sent out for.

The CHAIRMAN. Where do those sparks come together?

Mr. KNELL. Mr. Chairman, I may be dense, but I do not know just what you are trying to get at.

The CHAIRMAN. I want to know the relation between the money that you expended and the vote that was cast. I want to know where the influence of the money comes in.

Mr. KNELL. The money is expended for this purpose: To bring the name of your candidate before the people, and to connect that name with the office for which he is a candidate, and to do that as prominently as possible by newspaper work, by work from mouth to mouth——

The CHAIRMAN. We understand that.

Mr. KNELL. And handing out cards, and so on.

The CHAIRMAN. We understand that. That is the thing that was done. What influence did that have upon the vote that was cast?

Mr. KNELL. Judging from the vote that Senator Stephenson got I should say that it did not have a great deal of influence.

The CHAIRMAN. It did not have?

Mr. KNELL. No. I expected three times the vote that he got.

The CHAIRMAN. How did the vote stand in this county?

Mr. KNELL. Senator Stephenson, I think, was third in the race. Mr. McGovern got over 10,000 votes, and Cook got about 15 or 20 votes more than Mr. Stephenson, and Hatton got about 2,000 votes. I think I have it here [referring to memorandum]. The total vote was as follows: Cook got 5,420, Hatton got 2,764, McGovern got 12,053, and Stephenson got 5,385.

The CHAIRMAN. What does that total?

Mr. BLACK. That totals 25,622.

The CHAIRMAN. Then Senator Stephenson got about one-fifth of the vote?

Mr. KNELL. Yes.

The CHAIRMAN. He paid about \$2 a vote for the votes that were cast here?

Mr. KNELL. I do not think anybody is justified in putting it in that way.

The CHAIRMAN. Well, it cost him that much?

Mr. KNELL. Yes; it cost that, but he did not pay that for the votes.

The CHAIRMAN. In the sense in which I expressed it, it is correct. He paid out that much money, and got that many votes.

Mr. KNELL. He got that many votes; yes. I thought you meant it would be \$2 for each vote.

The CHAIRMAN. You may withdraw that thought.

Mr. KNELL. Very well; I shall do so.

The CHAIRMAN. We are not as yet making up a report on this hearing. Is that about the average cost of campaigns in Milwaukee County?

Mr. KNELL. No, sir.

The CHAIRMAN. Did you find the bills in that box which the clerk has just produced?

Mr. KNELL. Yes; these are the bills I filed with the committee.

The CHAIRMAN. Is that all of them?

Mr. LITTLEFIELD. He does not know.

Mr. KNELL. I have not checked them over; but they have a clip on them, and I think they are all there.

The CHAIRMAN. They will remain in the possession of the committee.

Mr. LITTLEFIELD. I am going to ask the committee to give me permission to examine these bills and see how far they do check up.

The CHAIRMAN. We do not want to encumber the record with those bills, because there is evidence of equal value that is less cumbersome.

Mr. LITTLEFIELD. I am not going to ask the committee to encumber the record. I am going to ask it to allow me to ascertain what is in this box, so that we can have it appear somewhere. I do not want our papers taken out of our office and carried up into the hands of the committee, and then brought here without our being able to find out what we have.

The CHAIRMAN. Let the committee understand what those papers are, and what that remark means. Those papers came from where, Mr. Smith?

The SECRETARY. From the custodian of public papers.

The CHAIRMAN. They are public documents in the files of the State of Wisconsin. They will remain in the custody of this committee, and will be returned to the custodian of State papers. Counsel made the remark that he did not propose to allow papers to be brought up

from his office and certain things done with them. That remark is not warranted.

Mr. LITTLEFIELD. What I meant was this: I want to ascertain what papers are here, for the purpose of ascertaining what left the office.

The CHAIRMAN. We will ascertain that now. Those papers are in the custody of the committee. They are here subject to the free examination of counsel and of the committee. They will be catalogued, and we will know just what papers are there.

Mr. LITTLEFIELD. That is all I wish; and I should like to have permission granted for Mr. Sacket to sit down with Mr. Smith, the clerk of the committee, and go over the matter at any time that suits Mr. Smith's convenience. I was about to ask that permission. That is the only purpose of my suggestion. Then I should like to have Mr. Knell granted the privilege of examining these vouchers, to ascertain how many of his items are vouchered by the bills. That is all I want him to do.

The CHAIRMAN. Those papers will be catalogued.

Mr. LITTLEFIELD. Can Mr. Sacket sit down with Mr. Smith and look the matter over at any time?

The CHAIRMAN. That is putting a burden upon Mr. Smith, who has charge of the executive work of the committee. The committee will arrange to have those papers examined, and will do it properly and promptly.

Mr. LITTLEFIELD. At any time that the committee will indicate that either Mr. Sacket or myself may have the privilege of looking at the papers, we shall be very glad to do it.

The CHAIRMAN. The papers will all be made available at the proper time.

Senator POMERENE. Mr. Knell, the men you had in your organization were your own personal friends and followers; were they?

Mr. KNELL. A good many of them. I had to get some others.

Senator POMERENE. What proportion of them?

Mr. KNELL. About 75 per cent had always supported me whenever I was a candidate for anything, or when I wanted to organize for somebody else.

Senator POMERENE. Can you tell us what their sentiments were on the subject of the Senatorship, prior to the time that you employed them?

Mr. KNELL. I employed no one who I did not feel satisfied was a Stephenson supporter?

Senator POMERENE. Were they Stephenson supporters because you employed them?

Mr. KNELL. No. About the first question I asked of them was, "How do you feel on the senatorial question?" There were a good many of them who said, "I am for McGovern," or "I am for Cook;" and I said, "That is all right; that is your privilege; I do not want you on my side." I do not think it is fair to have men taken away from me, and I would not take away men from others.

Senator POMERENE. Did you meet some men who were wholly indifferent about it?

Mr. KNELL. Oh, yes.

Senator POMERENE. And you employed some of them?

Mr. KNELL. I think I did.

Senator POMERENE. How many of them?

Mr. KNELL. Not many of them.

Senator POMERENE. When you made these arrangements, what was said to that class of men?

Mr. KNELL. Do you mean to the men I employed?

Senator POMERENE. Yes. Did you say anything to them on this subject? If so, what?

Mr. KNELL. Before I made any arrangement with them I said, "Now, we want a good, clean, aggressive campaign made. I do not want to do anything that we need feel ashamed of. I do not want to make a saloon campaign." When I say "a saloon campaign" I mean this: I did not want to make a campaign where the candidate or his agents surrounded themselves with five or six men, hired an automobile, and in a boisterous way went from saloon to saloon, whether they were acquainted there or not, making a great, big holler about coming up and having a drink on So-and-so. I do not like that. But if a man goes quietly into a place and talks with the proprietor, and asks him if he can hang up literature, and incidentally he buys a drink, I do not think there is anything wrong.

I never made a saloon campaign, and did not permit it in this instance. I told them, "When you go out and talk to men, I want you to pursue this plan: If you talk to a business man, dwell on the fact that Mr. Stephenson is a business man—a successful business man. If you talk to a man who wants to know anything about his qualifications, use the argument that he has been in the lower House of Congress for six years, that he has followed legislation, and that you feel that with his business experience he would be a safe man to send down there. If you get into a crowd of workmen, use this argument: Tell them that Mr. Stephenson is a large employer of labor, that he has always stood by his men, that he has helped them out in their troubles, and that he has never had a strike in his works."

I mapped out a campaign for him as well as an argument; and they followed that, as far as I could find out.

Senator POMERENE. How did it happen that you took up this campaign for Mr. Stephenson?

Mr. KNELL. I have been in politics in this county for 20 years or more. One day Mr. Puelicher sent up to me and asked me, I think, to come down and see him. He said, "You have met Mr. Stephenson at the National Republican Convention in Chicago, and you probably had known him before that. Would you favor Mr. Stephenson with your services in managing the Milwaukee County campaign?" I said, "Mr. Puelicher, that is a pretty big job, and I do not know whether I am equal to it, or whether I can do it. I will consider the matter and let you know." I think this was on a Thursday. On the Monday following I went down to see Mr. Puelicher, and I said, "I will talk the matter over with some of my friends. I know no one man can run a campaign like that, and I wanted to consult with some of my friends and see whether they would help me. I have decided to take charge of the campaign, provided I can make the campaign as I want to. I do not want to get mixed up with any campaign that is going to leave me open to a lot of criticism." He said, "We do not want that kind of a campaign. We want a good, clean campaign, and we are willing to meet all necessary obligations;

but we have no money to throw away. What do you think a campaign like that would cost in Milwaukee County?" I said, "Mr. Puelicher, from the experience I have had, that campaign may cost anywhere from \$7,500 to \$15,000." When I placed the figures at \$15,000 I had in mind a campaign of two years previous which was made for the office of district attorney, in which one candidate for district attorney reported an expenditure, I believe, of between \$14,000 and \$15,000 in a campaign, and another candidate between \$15,000 and \$16,000. That was a very bitter campaign. I did not know but that this campaign might develop into the same kind of a campaign. Therefore I put the limit up from \$7,500 to \$15,000. Mr. Puelicher said, "\$15,000 is a good deal of money. I wish, Sheriff, you would run it for less than that." I said, "I will if I can."

Senator POMERENE. You were the sheriff at that time?

Mr. KNELL. I was at that time sheriff of Milwaukee County. He said, "We will agree on an account of \$10,000, and if that should be exhausted before the campaign is over, come over and see me." He said, "I will open an account for you," and all I got was a check book, and I drew against that account. I do not know how the amounts were deposited to my credit. I do not suppose it was all deposited at once. I had rent to pay, and such things.

Senator POMERENE. Were you furnished with a pass book, showing your credits there?

Mr. KNELL. No; I did not get a pass book. I understand they opened it, but I did not get it.

Senator POMERENE. Did you know how much credit you had there?

Mr. KNELL. Yes; I believe the first credit they opened was \$500, just to pay rent. I was going out of town to attend a convention, and would not be back for a week, and the money was to hire headquarters—they wanted their rent for two months in advance—and for a few little printing bills, and so on.

Senator POMERENE. You say about 75 per cent of these men were your own personal friends and followers?

Mr. KNELL. Yes.

Senator POMERENE. Did you have any personal choice for the Senatorship prior to the time you saw Mr. Puelicher?

Mr. KNELL. Yes.

Senator POMERENE. Who was that?

Mr. KNELL. Mr. Stephenson.

Senator POMERENE. If your personal choice had been, say, one of the other candidates, do you think 75 per cent of these same workers would have been with you?

Mr. KNELL. I think they would, for my personal sake, because I was interested in the campaign—

Senator POMERENE. That is, you had been active here politically?

Mr. KNELL. Yes.

Senator POMERENE. And you had been in touch with these people?

Mr. KNELL. Yes.

Senator POMERENE. And, if I understand you correctly, it is a fair inference for the committee to say that a large number of these men supported Senator Stephenson from a sort of sense of loyalty to you?

Mr. KNELL. Yes.

Senator POMERENE. Rather than to him?

Mr. KNELL. Yes. Some would not, probably, have been with me if I had been manager for another candidate, because they had a choice in the matter.

Senator POMERENE. What portion of this 75 per cent was personally for Stephenson, without regard to your own relations to the campaign? Can you give us an opinion on that?

Mr. KNELL. I have no idea. I never went into that phase of the thing.

Senator POMERENE. There were a number of them?

Mr. KNELL. Oh, yes. Without pinning myself down to any exact figure, I would say over half of that 75 per cent.

Senator POMERENE. Over half of that 75 per cent were for Stephenson, independent of any position that you may have had in the matter?

Mr. KNELL. Yes.

Senator POMERENE. You mean it in that way, do you?

Mr. KNELL. Yes. I want to make an explanation.

Senator POMERENE. Go ahead with your explanation.

Mr. KNELL. You know there was an awfully bitter factional feeling in this State, and a great many people felt that Mr. Stephenson really had, as I say, made these men who were opposing him politically, by campaign contributions and the influence of his paper.

Senator POMERENE. That is, you mean, the Free Press?

Mr. KNELL. Yes. I felt, and a lot of others felt, that it was base ingratitude that when Mr. Stephenson wanted something for himself he should be denied that which he wanted, when he had contributed so liberally to put others in possession of what they wanted. I felt outraged. I thought it was an outrage to say that when Senator Stephenson spent fifty or a hundred thousand dollars for somebody else that was all right, but when he spent it for himself it was all wrong. I did not like that idea. I was a Half-breed myself. I do not deny it. To-day I think I am a political orphan. I do not take orders; never did and never will. That is the main reason why I supported Mr. Stephenson.

Senator POMERENE. You had been personally acquainted with the Senator for some time, had you?

Mr. KNELL. Yes; I had met him a number of times, and met him every day at the Chicago convention. He was a delegate at large from Wisconsin.

Senator POMERENE. That is, in the campaign of 1908?

Mr. KNELL. In 1908; yes, sir; when Mr. Taft was nominated at Chicago.

Senator POMERENE. I think that is all I care to inquire.

The CHAIRMAN. Do you desire to spend any time on this witness?

Mr. LITTLEFIELD. Yes, Mr. Chairman. But I should like to reserve it until we have the cataloguing of the receipts, because I want to see whether they are identified or not. Otherwise I should desire him to stop and look over them in detail; and I do not think we wish to wait for that. I should like to reserve what cross-examination I have of Mr. Knell until the receipts are catalogued. Then I can see what I need to do in that regard.

The CHAIRMAN. Counsel refers to the bundle of receipts that were—

Mr. LITTLEFIELD. Yes.

The CHAIRMAN. In the box containing other papers.

Mr. LITTLEFIELD. Whether all of Mr. Knell's receipts are in that clip, I do not know. So far as I have been able to look the box through, the balance of the contents of the box consists of receipts for other bills, pay rolls, and so forth.

The CHAIRMAN. We are not at liberty to take possession of any papers.

Mr. LITTLEFIELD. No; but I simply want to be able to identify them by the witness so far as I can on cross-examination before he leaves the stand.

The CHAIRMAN. Does counsel think it will add anything to the weight of the testimony to go through those receipts?

Mr. LITTLEFIELD. I feel this way in regard to that: That inasmuch as the existence of some receipts has been disclosed, I think it is incumbent upon me to show how far they do go in sustaining the account made by Mr. Knell. Of course, if he left with Mr. Sacket, as he says he did, a lot of original receipts, which were afterwards turned over to the committee in Madison, and have since been brought here, I feel as though I should at least identify those with Mr. Knell's account and give him the benefit of showing that he furnished the vouchers, at least.

The CHAIRMAN. Does counsel feel impelled to attack any of these items?

Mr. LITTLEFIELD. Not at all, Mr. Chairman. I think it is incumbent on us and the committee to account for the expenditure, and I want to do it to the uttermost if the material is at hand.

The CHAIRMAN. There is no controversy as to the integrity of these items.

I only make this suggestion in the interest of expedition in presenting these matters. No one has controverted the integrity of these items, and the question arises in my mind as to why you should encumber the record and take up time to prove that which is not attacked.

Mr. LITTLEFIELD. The only purpose is, Mr. Chairman, that this is the first time we have seen the original receipts; at least, the first time I have seen them; and I should like to be able to show, by somebody, that they tally with the expenditures, without going over them in detail.

Senator POMERENE. Did you take receipts from each of these ward workers and people of that sort?

Mr. KNELL. No, sir.

Senator POMERENE. These receipts pertain to your advertising and—

Mr. KNELL (interrupting). Printing.

Senator POMERENE. And the circulating of printed matter and so on?

Mr. KNELL. Yes.

Senator POMERENE. Also automobile hire and livery charges?

Mr. KNELL. Some of it; yes.

I think these bills cover all the items on the first sheet of the statement that I gave.

Mr. LITTLEFIELD. Of course, if he is ready to swear to that, that would end it.

The CHAIRMAN. I do not hear any controversy about it.

I can understand how, in the trial of a certain class of issues, it is often necessary to go through this class of details; but in the exami-

nation of a question of this kind, unless a statement is controverted, it is not necessary to fortify it with a large number of receipted bills.

Mr. LITTLEFIELD. The question might be raised against us later. It might be said: "Here is a large sum of money——"

The CHAIRMAN. It will not be raised, when the report shows that the bills were present.

Mr. LITTLEFIELD. If it is conceded that the exhibits brought in by Mr. Essmann cover all of these bills included in "Expenses, Milwaukee County; bills paid by check," of course that covers the whole ground. If they do, that is all I wanted to show.

Mr. KNELL. I want to state that the statement was made up from these bills.

The CHAIRMAN. I supposed it was.

Mr. LITTLEFIELD. I will ask this question of the witness——

Senator POMERENE. Does not this answer your question, Mr. Littlefield: Up to this time in the proceedings, is there any evidence tending to reflect upon the validity of any of those items?

Mr. LITTLEFIELD. What do you mean, Senator? The items represented by those receipts?

Senator POMERENE. Yes.

Mr. LITTLEFIELD. I will ask him the questions.

Senator POMERENE. I am asking you. Do you remember or have in mind any testimony, up to this point, reflecting upon the integrity of those receipts?

Mr. LITTLEFIELD. My answer to that is that I do not know what the receipts cover.

The CHAIRMAN. The witness has stated. It is not controverted.

Mr. LITTLEFIELD. Let me have the exhibit, then, from which the committee have been examining him. I have not seen that yet.

The CHAIRMAN. It has gone to the reporters to be incorporated into the record.

Mr. LITTLEFIELD. I should like to have it to cross-examine the witness.

The CHAIRMAN. If counsel desires to attack this witness——

Mr. LITTLEFIELD. I should like to have it to cross-examine him from if I may be allowed possession of it.

The CHAIRMAN. Counsel, of course, will have to concede the fact that the reporters must first incorporate it into the record before anybody can have it.

Mr. LITTLEFIELD. Very well. I shall wait until it is incorporated in the record before I examine from it.

The CHAIRMAN. The committee will stand adjourned until to-morrow morning at 10 o'clock.

Mr. KNELL. May I ask a question? I have given you this statement. Supposing we have a further examination in this State, where shall I be?

The CHAIRMAN. We do not care to argue that question.

Mr. KNELL. I should have something to refresh my memory.

The CHAIRMAN. This statement will be copied into the record and the original will be retained.

Mr. KNELL. May I have a copy of the record?

The CHAIRMAN. Yes.

(At 4 o'clock and 30 minutes p. m., the subcommittee adjourned until to-morrow, Thursday, October 26, 1911, at 10 o'clock a. m.)

FEDERAL BUILDING, MILWAUKEE, WIS.,
Thursday, October 26, 1911.

The subcommittee met at 10 o'clock a. m.

Present: Senators Heyburn (chairman) and Pomerene.

Present also: Mr. C. E. Littlefield, Mr. W. E. Black, and Mr. H. H. J. Upham, counsel for Senator Isaac Stephenson.

The names of T. L. Cleary, M. J. Bell, C. C. Russell, R. E. MacLean, Henry Hornibrook, and C. W. Case were called.

Mr. Bell, Mr. Russell, Mr. MacLean, Mr. Hornibrook, and Mr. Case responded and were duly sworn by the chairman.

The CHAIRMAN. Mr. C. C. Wayland, if in attendance, may be excused.

Mr. Knell will resume the stand.

TESTIMONY OF WILLIAM R. KNELL—Continued.

Mr. LITTLEFIELD. Mr. Knell, how old are you?

Mr. KNELL. Just past 51.

Mr. LITTLEFIELD. Where were you born?

Mr. KNELL. In Milwaukee.

Mr. LITTLEFIELD. Have you always lived in Milwaukee?

Mr. KNELL. Always.

Mr. LITTLEFIELD. Have you held any public positions in Milwaukee?

Mr. KNELL. Several.

Mr. LITTLEFIELD. Just state, briefly, what they were.

Mr. KNELL. From 1888 to 1893 I was draftsman in the register of deeds' office; from January 1, 1894, for nine years I was deputy tax commissioner of the city of Milwaukee; then I became book-keeper in the sheriff's office for two years; then I was undersheriff for two years, and then sheriff for two years.

Mr. LITTLEFIELD. Were any of these offices elective?

Mr. KNELL. None but the office of sheriff.

Mr. LITTLEFIELD. Were you holding the office of sheriff during the year 1908?

Mr. KNELL. Yes, sir.

Mr. LITTLEFIELD. While you were conducting the campaign for Mr. Stephenson?

Mr. KNELL. Yes, sir.

Mr. LITTLEFIELD. I do not notice, by the account you file here, that any sum was set apart for your services in the campaign.

Mr. KNELL. I received no compensation.

Mr. LITTLEFIELD. Just explain, briefly, how you handled the campaign with reference to your office of sheriff.

Mr. KNELL. I had a telephone at the sheriff's office. There was also a telephone at the headquarters, and I was in constant communication with the office in case they wanted me. I had been six years in the office and was entitled to two weeks vacation each year, which I never took, and I thought I was justified in spending a little time for this campaign; also the courts were on their vacation at that time of the year and there was very little business to do at the sheriff's office.

Mr. LITTLEFIELD. Were you able to keep up your business as sheriff and at the same time do this campaign work?

Mr. KNELL. Yes. The sheriff's business went ahead of any other business. When they wanted me at the office I was back at the office.

Mr. LITTLEFIELD. What was the sheriff's compensation; salary or fees?

Mr. KNELL. A salary of \$5,000 a year.

Mr. LITTLEFIELD. But the duties, I suppose, consisted of the serving of precepts, and the general duties connected with the office of sheriff?

Mr. KNELL. Yes.

Mr. LITTLEFIELD. So that you attended to the discharge of those duties?

Mr. KNELL. Oh, yes.

Mr. LITTLEFIELD. Did you have deputies under you?

Mr. KNELL. Yes; about 40.

Mr. LITTLEFIELD. Forty deputies?

Mr. KNELL. Deputies, jailers, and turnkeys.

Mr. LITTLEFIELD. Were they appointees of yours?

Mr. KNELL. They were appointees of mine; but they took no part in the campaign.

Mr. LITTLEFIELD. You mean that the employees in the sheriff's office took no part in the campaign?

Mr. KNELL. None of them did any active work in the interest of Senator Stephenson.

Mr. LITTLEFIELD. I notice in your account a number of items under "pay roll," with varying sums. Upon what are those items predicated?

Mr. KNELL. Those were people who were getting out mail matter, and posting and distributing literature. I had probably from 12 to 15 people working.

Mr. LITTLEFIELD. Can you give the names of any of those persons?

Mr. KNELL. I can give you the names of some of them.

Mr. LITTLEFIELD. Give the names of all you can remember.

Mr. KNELL. I had a man named Morgan Edwards, who had supervision of the mail matter.

I had a man named Abe Cohen, who looked after the distribution of literature, posters, etc.

Mr. LITTLEFIELD. Was he the man to whom you have referred as the Hebrew manager?

Mr. KNELL. Yes.

I had a man named Alec Price working in the office. He had been interested in a number of city and county campaigns.

I had a man named Dalton.

I had a man named McMahon.

Mr. LITTLEFIELD. A brother of the McMahon who has testified here?

Mr. KNELL. Yes; a brother of the man that testified here.

I had a number of young ladies, stenographers; I do not remember their names. I remember the name of one was Miss Meyer; but I do not remember the names of the others. They got all the way from \$6 to \$20 a week.

Mr. LITTLEFIELD. That is, these employees received anywhere from \$6 a week to \$20 a week?

Mr. KNELL. These employees; yes.

Mr. LITTLEFIELD. Those are the items that are included in the items mentioned as "pay roll"?

Mr. KNELL. Yes; I had the names under the head of weekly pay roll; or on the pay roll ending such and such a day.

Mr. LITTLEFIELD. What was the name of the Greek manager about whom you testified?

Mr. KNELL. Sarrass.

Mr. LITTLEFIELD. That is the \$110 item?

Mr. KNELL. Yes. It is in the explanatory note attached to the report there.

Mr. LITTLEFIELD. You were asked, I think, in relation to a man named Kelpinski, as to whether he was an election inspector. I think you have an explanatory note here in relation to Kelpinski.

Mr. KNELL. Yes.

Mr. LITTLEFIELD. It seems, from that, that you heard he had been accepting compensation from the Cook people?

Mr. KNELL. Yes.

Mr. LITTLEFIELD. After that, did you have anything to do with him?

Mr. KNELL. I severed connection with him immediately, and refused to pay him any further money.

Mr. LITTLEFIELD. Did you learn that before the primary election day?

Mr. KNELL. I learned that within two or three days after I had made arrangements with him. That was probably four or five weeks before the primary.

Mr. LITTLEFIELD. So that on primary election day, whether he was an inspector or not, he was not in your employ?

Mr. KNELL. No; no. He had not been, for weeks.

Mr. LITTLEFIELD. I notice in the list that you give, and which is filed as an exhibit in connection with your testimony, you have connected with various items an interrogation point. What does that indicate?

Mr. KNELL. That indicates either that I did not remember their names, or their address, or their occupation. The amounts they received are there, however.

Mr. LITTLEFIELD. For instance, I find under "Henson, \$80" three interrogation points, and then \$20.

Mr. KNELL. Those represented the names of three people that I had not known, but who were brought in to me by somebody.

Mr. LITTLEFIELD. The interrogation is first under "Henson," then it is under the heading of "address" and next under the heading of "occupation."

Mr. KNELL. I did not know their address or occupation, and could not get hold of it.

Mr. LITTLEFIELD. And you did not know their names?

Mr. KNELL. And I did not know their names. That is what those interrogation points mean. I accounted for the sums paid to them, but I could not get their names, addresses, or occupation as to five or six of them, I think.

Mr. LITTLEFIELD. Yes. There are a number of instances of that kind. But that is what the interrogation points indicate?

Mr. KNELL. Yes.

Mr. LITTLEFIELD. They indicate that, as to the items under which the interrogation points appear you have not been able to get definite information?

Mr. KNELL. Yes; that I have not been able to get definite information.

Mr. LITTLEFIELD. Were you a delegate to the last Republican national convention?

Mr. KNELL. I was.

Mr. LITTLEFIELD. From Wisconsin?

Mr. KNELL. From the fifth congressional district.

Mr. LITTLEFIELD. Are you prepared to make any desired explanation of any of these items and give any information within your possession that would enable the details to be traced?

Mr. KNELL. Absolutely, at any time, whether it be at this hearing or at any other time.

Mr. LITTLEFIELD. How long had you been engaged in practical detailed work of carrying on campaigns?

Mr. KNELL. Since 1888.

Mr. LITTLEFIELD. Do I understand by that that in every campaign since then you have taken an active part?

Mr. KNELL. Yes.

Mr. LITTLEFIELD. In connection with the details and the management?

Mr. KNELL. I would not say that. I was not always connected with the actual management of the campaign, but I did work, especially in my own locality.

Mr. LITTLEFIELD. So that from that time up to 1908 you have been familiar with all the details involved in a campaign?

Mr. KNELL. Oh, yes.

Mr. LITTLEFIELD. And in the work of procuring what is known as a political organization——

Mr. KNELL. Yes, sir.

Mr. LITTLEFIELD (continuing). For the purpose of getting out the vote?

Mr. KNELL. Yes.

Mr. LITTLEFIELD. I think you were asked this, but I will ask the formal question:

Did you expend any money, Mr. Knell, during this primary campaign for the purpose of either bribing or corruptly or unlawfully influencing any electors in the primary election in the interest of Senator Stephenson?

Mr. KNELL. Absolutely none.

Mr. LITTLEFIELD. Was any money expended by any of these men to whom you made disbursements for use in the campaign, so far as you know, for the purpose of bribing or unlawfully or corruptly influencing any of the electors on primary election day in the interest of Senator Stephenson?

Mr. KNELL. So far as I know, none; and I want to explain upon what I base my judgment.

Mr. LITTLEFIELD. I wish you would.

Mr. KNELL. I was always inquiring at every place to find out what these men that I had employed were doing, and I had every man in the office watching out for anything that might look wrong, so that I could stop it before it went too far. They always reported

that there was nothing at all that looked as though there was anything shady being done or anything wrong being done. I kept very close tab on these men that were employed by me in this campaign.

Mr. LITTLEFIELD. That is all.

Do I understand that Mr. Knell is to be excused now, Mr. Chairman?

The CHAIRMAN. Yes. You are not expecting to leave the city for a few days, are you, Mr. Knell?

Mr. KNELL. No. You can reach me by calling telephone West 593 at any time.

The CHAIRMAN. Very well. You are excused.

STATEMENT OF W. E. BLACK—Resumed.

The CHAIRMAN. Mr. Black, you are one of the attorneys in this case, and you have the confidence of the committee. We should like to have you tell what you know with reference to the handling and the location of the box of papers that was gotten together at the end of the campaign in the office of the headquarters of the Stephenson campaign committee in this city.

Of course all attorneys are sworn when they are admitted to the bar. In some sections of the country they are sworn when they undertake to give testimony. If Mr. Black desires to be sworn, we will swear him. He is reliable, whether he is sworn or not, the committee believes.

Mr. BLACK. Mr. Chairman, I am pleased to have the opportunity of making such a statement and am perfectly willing to make it under oath. It is immaterial to me.

The CHAIRMAN. Just state when you first knew of the getting together of the papers from the Stephenson campaign headquarters in Milwaukee, at the end of the primary campaign, or at any time. Tell what instructions you gave, if you gave any.

Mr. BLACK. I gave no instructions. I had nothing whatever to do with this. I may say that my first connection with Mr. Stephenson in relation to this campaign was after the campaign closed, a day or two before the investigation began at Madison. We went to Madison on the 15th of February; and I may say my connection with this whole matter dates from that time, or a day or two before going to Madison.

The CHAIRMAN. That is, your professional connection?

Mr. BLACK. Yes.

The CHAIRMAN. Did you have any knowledge of or connection with Mr. Stephenson's headquarters in the campaign before that time?

Mr. BLACK. None whatever.

The CHAIRMAN. Are you speaking individually, or for your firm?

Mr. BLACK. I am speaking individually.

The CHAIRMAN. Had your firm before that time any connection with the Stephenson campaign?

Mr. BLACK. Not with reference to the campaign, so far as I know.

Mr. LITTLEFIELD. You were doing business for Mr. Stephenson right along?

Mr. BLACK. We were doing business for Mr. Stephenson, yes; but I do not know of any connection, except as Mr. Hyzer has already testified.

Mr. LITTLEFIELD. The members of your firm have been attorneys for Mr. Stephenson for years?

Mr. BLACK. Our firm has acted for Mr. Stephenson for a great many years.

The CHAIRMAN. We do not want to wander outside of the issues of this case. You say your first connection with the affairs at headquarters or with anything pertaining to them was in February?

Mr. BLACK. Yes; the day before the investigation began at Madison. I may say that I was never inside of the Stephenson headquarters in the Wells Building.

The CHAIRMAN. When did you first know of the existence of a box of papers connected with the headquarters?

Mr. BLACK. As nearly as I can fix the date, it was about the 2d or 3d of March, 1909. I must correct the statement I made on that point the other day. I then stated that the first knowledge I had of this was after Mr. McMahon had testified before the investigating committee, which was on the 2d of April. In talking this matter over with Mr. C. C. Russell, who was here as a witness, he convinced me that I knew of it prior to that date, which I now fix with reference to the date when I sent him up to Marinette or to Menominee with relation to that correspondence. My best recollection is that I first sent him up there immediately after I learned of it. That is the way I fix the date when I first knew anything about this box of papers or about this correspondence from headquarters having been gotten together and shipped to Marinette.

The CHAIRMAN. Let me ask you some questions about that. At that time the papers in the box were at Marinette?

Mr. BLACK. They were; yes, sir.

The CHAIRMAN. How did you become advised of that?

Mr. BLACK. My belief is that Miss Stringham, who was Senator Stephenson's secretary, told me about it.

The CHAIRMAN. She gave you what information you had as to where that box of papers was?

Mr. BLACK. Yes.

The CHAIRMAN. Did you see it at any time?

Mr. BLACK. I never did.

The CHAIRMAN. The first time you saw it was when the trunk came in here?

Mr. BLACK. When the trunk first came to our office.

The CHAIRMAN. The trunk first came to your office?

Mr. BLACK. Yes.

The CHAIRMAN. How did it come there?

Mr. BLACK. I sent Mr. Russell up to Wells, Mich. In my former statement I referred to that as Escanaba, Mich. Wells is just a suburb of that station. I should have referred to Wells. I sent Mr. Russell up there the second day after the present investigation began, with instructions to get all of that stuff and get it down here. It was gathered together and put in this trunk, and reached the office on Tuesday, the 10th.

The CHAIRMAN. Did he take with him a trunk in which to put it?

Mr. BLACK. He did not.

The CHAIRMAN. It reached your office how?

Mr. BLACK. By express.

The CHAIRMAN. Directly from Wells?

Mr. BLACK. I suppose it was expressed from Escanaba. That is the railroad station.

The CHAIRMAN. It was not checked? It was expressed?

Mr. BLACK. It was expressed.

The CHAIRMAN. Who expressed it? Who was the consignor?

Mr. BLACK. Mr. Russell, I presume, was the consignor. He was the man who had charge of it.

The CHAIRMAN. It came to your office?

Mr. BLACK. Yes.

The CHAIRMAN. It was locked?

Mr. BLACK. Yes.

The CHAIRMAN. And the key was given to you?

Mr. BLACK. Yes.

The CHAIRMAN. Did you unlock the trunk?

Mr. BLACK. Yes.

The CHAIRMAN. Who was present?

Mr. BLACK. Mr. Russell.

The CHAIRMAN. Anyone else?

Mr. BLACK. No, sir.

The CHAIRMAN. When you unlocked it, did you go through it, take out the papers, and examine them?

Mr. BLACK. Not at that time. In fact, I do not think I made any examination of those papers at that time, any more than a mere cursory examination that enabled me to see that letter files were there and some other papers. I did not examine them. The trunk remained in our office until it was produced here in the court room.

The CHAIRMAN. Had the contents been removed from it and examined before it came into this room?

Mr. BLACK. To this extent: I discovered from the cursory examination I made that the correspondence was mixed up; and I gave Mr. Russell instructions to get the stenographers, and have it arranged alphabetically, and put back in the files in alphabetical order, which he did.

The CHAIRMAN. You instructed him to remove nothing from it?

Mr. BLACK. I did.

The CHAIRMAN. That accounts for it until it came into this court room?

Mr. BLACK. It does. I wish to state, however, some facts in regard to it prior to its being sent down here, and by way of a correction of my statement of a few days ago. I sent Mr. Russell north on the 4th of March, 1909, and he had Mr. MacLean meet him at Menominee.

The CHAIRMAN. Who is Mr. MacLean?

Mr. BLACK. Mr. MacLean is one of the witnesses, and is the manager of the I. Stephenson Co. at Wells. Mr. Russell had Mr. MacLean meet him there, and conveyed my instructions to him. Mr. MacLean, so I am informed, went over and got the correspondence and took it to Wells.

The CHAIRMAN. Did he get it in the box?

Mr. BLACK. He took it from the letter files, as I am informed.

The CHAIRMAN. That were in this box?

Mr. BLACK. The files had then been taken out of the box, and were in Miss Stringham's office.

The CHAIRMAN. Where?

Mr. BLACK. At Marinette.

The CHAIRMAN. Then this box had been opened at Marinette?

Mr. BLACK. It had been opened at Marinette.

The CHAIRMAN. And the contents had been gone over by Mr. MacLean?

Mr. BLACK. No, sir; my information is that he did not go over them at all, but that he simply took the correspondence out of the files, and took it to Wells, Mich. It remained there until shortly after the 2d of April, when Mr. McMahon testified in regard to this box having been prepared for shipment to Marinette.

Mr. LITTLEFIELD. You mean that it remained at Wells?

Mr. BLACK. Yes; I stated the other day that that was when I first learned of this box. That was my best recollection. He testified on the 2d; and on the 4th or the 5th of April I sent Mr. Russell up to have this correspondence that had been taken away brought back to Marinette, in anticipation of the fact that it would be called for by the committee at Madison.

Senator POMERENE. You say he testified on the 2d. Do you mean the 2d of April?

Mr. BLACK. Mr. McMahon testified the first time in relation to this box on the 2d of April, 1909. I wish to correct my former statement in that respect. The correspondence remained at Marinette until after the joint committee had finished its investigation, and it was never called for by them. Thereupon the senate committee continued the investigation; and on the 6th of May Mr. McMahon was again called to the stand, and testified in relation to this box. I should state that that was on the day of this Wagner episode or very shortly thereafter. I then gave instructions that that material should be taken back to Wells; and it was taken to Wells, and has remained there ever since up to this time.

The CHAIRMAN. When did he testify?

Mr. BLACK. On May 6. I take that from the record.

Mr. LITTLEFIELD. That is on page 1459. Did you give Mr. Russell any instructions with reference to the contents of the box, as to whether or not its contents were to be preserved?

Mr. BLACK. I have a very distinct recollection that the contents of the box were to be preserved. You say "the contents of box." I will say that the correspondence was to be preserved. Nothing with relation to it was to be destroyed.

Mr. LITTLEFIELD. Did you give Mr. Russell any instructions in reference to that?

Mr. BLACK. My recollection is I did.

The CHAIRMAN. I want to ask you a question there, so as to see if I am exactly right. When did you first send Mr. McMahon up there?

Mr. BLACK. I never sent Mr. McMahon there.

The CHAIRMAN. Was Mr. McMahon present when Mr. Russell was sent up there?

Mr. BLACK. He was not.

The CHAIRMAN. Did Mr. Russell testify?

Mr. BLACK. He did not.

The CHAIRMAN. Did not Mr. McMahon know that Mr. Russell had been sent up there on these trips?

Mr. BLACK. He did not.

The CHAIRMAN. That is all. I have Mr. McMahon's testimony before me. You may proceed.

Mr. BLACK. I believe that is substantially all that occurs to me at this time.

The CHAIRMAN. That accounts for it so far as you can tell at this time. Did you order the papers sent over to Wells?

Mr. BLACK. Yes.

The CHAIRMAN. So that you first knew of them at Marinette?

Mr. BLACK. Yes.

The CHAIRMAN. You never saw them there?

Mr. BLACK. I never saw the papers at all until they reached here

The CHAIRMAN. Or the receptacle or box in which they were?

Mr. BLACK. No, sir.

The CHAIRMAN. You knew that through information?

Mr. BLACK. Yes.

The CHAIRMAN. You gave instructions about them up to the time they came down here?

Mr. BLACK. I did.

Senator POMERENE. Mr. Black, I want to ask you further about this. I understand your statement now is that you first learned of this on April 2?

Mr. BLACK. No; March 2 or 3. That is my best recollection.

Senator POMERENE. And those papers were then at Marinette?

Mr. BLACK. They were then at Marinette.

Senator POMERENE. In Miss Stringham's possession?

Mr. BLACK. I believe so; that is my information.

Senator POMERENE. And she was Senator Stephenson's secretary?

Mr. BLACK. You say "in her possession." Whether they were in the storehouse or in her immediate possession I could not say.

Senator POMERENE. In whose possession or under whose control were they at that time?

Mr. BLACK. I can not tell you whether they were in the warehouse at that time or not. They may have been in her office.

Senator POMERENE. From whom did you learn the whereabouts of that correspondence?

Mr. BLACK. My best recollection is that Miss Stringham told me about it—told me that a lot of correspondence had been sent up there from the headquarters in Milwaukee.

Senator POMERENE. Then did you have anyone go through this correspondence, or the box, to ascertain what there was there?

Mr. BLACK. Mr. Russell went to Wells on the 9th of March. I can not say whether he went for the purpose of examining that correspondence or whether he went on other business, and incidentally to that did make an examination of the correspondence, which was then at Wells, having been taken up there on the 4th or 5th of March.

Senator POMERENE. You gave directions to have the correspondence sent up to Wells?

Mr. BLACK. I did.

Senator POMERENE. On the 4th or 5th of March?

Mr. BLACK. Yes, sir.

Senator POMERENE. What was your purpose in doing that?

Mr. BLACK. I never had seen this correspondence, and, as I now recollect, my object in having it sent up there was to have it where it would be under my control, to produce or not produce, as might be determined upon, when it was called for. That is my best recollection of my motive in doing that.

Senator POMERENE. In other words, it was your thought to keep it away from the investigating committee, if you deemed that course proper?

Mr. BLACK. If at that time I deemed it proper. I did not determine that I would do so, because I had not at that time examined it, nor did I have any information as to the contents of it.

Senator POMERENE. As a lawyer, do you not feel that that investigating committee had a right to have that correspondence?

Mr. BLACK. If they required its production, they perhaps were entitled to it.

Senator POMERENE. There can not be any doubt about that.

Mr. BLACK. No, sir.

Senator POMERENE. Did you advise them at any time as to the whereabouts of this correspondence?

Mr. BLACK. I did not.

Senator POMERENE. Witnesses were being constantly examined as to its whereabouts?

Mr. BLACK. No; I do not think the record shows that.

Senator POMERENE. I will not express it quite as strongly as that. They were examined as to its whereabouts.

Mr. BLACK. Mr. McMahon was examined on the 2d of April, and thereupon I ordered the stuff brought back to Marinette, so that I would be in a position, if thereafter called upon to produce it, to produce it, just as it had been taken away from there.

Senator POMERENE. Why did you order it brought back to Marinette?

Mr. BLACK. As I say for the reason that he had testified in relation to the shipment of the box to that place, and if it was called for by the committee, I would then be in a position to have it brought down.

Senator POMERENE. Was the committee in session at that time?

Mr. BLACK. Yes; I think their sessions were continuous along there. The committee was quite continuously in session almost every day, as I recall now.

Senator POMERENE. When was it sent back again to Wells?

Mr. BLACK. Not until after the joint committee had finished, and when the senate committee was pursuing the investigation.

Senator POMERENE. That committee inquired for those papers, did it not?

Mr. BLACK. It examined Mr. McMahon with reference to the preparation of the box for shipment. I stated that date a moment ago.

Mr. LITTLEFIELD. The 6th?

Mr. BLACK. Yes; the 6th of May. On May 6 they examined Mr. McMahon again with reference to that box, but they did not follow it up or call for it.

Senator POMERENE. Did they make any effort to follow it up?

Mr. BLACK. Not to my knowledge.

Senator POMERENE. You gave them no information on the subject?

Mr. BLACK. I did not.

Mr. LITTLEFIELD. Were you asked for any?

Mr. BLACK. I was not.

Mr. LITTLEFIELD. You took no part in that examination, except that once in a while you cross-examined a witness about one or two matters?

Mr. BLACK. I was present most of the time during the hearings of the senate committee. I did not cross-examine any witnesses to any extent, except Mr. Wagner.

Senator POMERENE. You were there representing Senator Stephenson in a legal capacity, looking after his interests?

Mr. BLACK. I was there looking after his interests.

Senator POMERENE. Did you not feel that entire candor ought to have required you to disclose where that box of papers was?

Mr. BLACK. I did not feel that way at that time.

Senator POMERENE. You do now?

Mr. BLACK. Looking back at it now, perhaps it would have been better if I had done so. My object in doing that was not that I feared there was anything in the correspondence that would be damaging to Senator Stephenson's case; but I was influenced by the fact that a lot of correspondence from all over the State, written by various people (although I did not know exactly what it was), might contain things that would cause trouble and jealousy, so that people would have each other by the ears; and I did not think it was proper that that senate committee should have it for that purpose. I was convinced that they would use it for that purpose or any other they saw fit. This was immediately after this Wagner episode, as I stated.

Senator POMERENE. Do you know whether or not, at any time since these papers left Milwaukee, anyone has gone over them for the purpose of ascertaining the nature of them?

Mr. BLACK. The only examination of which I have any knowledge at all was that made by Mr. Russell about the 9th or 10th of March.

Senator POMERENE. Have any of the witnesses who have been on the stand since this examination began made any examination of those papers?

Mr. BLACK. No, sir.

Senator POMERENE. Were any of them aware, to your knowledge, where these papers were or what had become of them?

Mr. BLACK. I do not believe they were; except that Mr. Sacket became aware of the fact that the papers were in our office.

Senator POMERENE. When?

Mr. BLACK. That was after he testified.

Senator POMERENE. So far as you know, have any papers been taken from these files?

Mr. BLACK. They have not.

Senator POMERENE (continuing). Since they left the Stephenson headquarters here in the city of Milwaukee?

Mr. BLACK. Not to my knowledge. My information is they have not, and my belief is that they have not.

The CHAIRMAN. You heard Mr. McMahon testify on May 6, did you not?

Mr. BLACK. I did.

The CHAIRMAN. He testified that, under instructions from Mr. Edmonds, he removed certain of the correspondence from the files, did he not?

Mr. BLACK. You mean before it left?

The CHAIRMAN. Before it was shipped at all.

Mr. BLACK. I do not recall that testimony just now, but I remember hearing him testify the second time.

The CHAIRMAN. I read this from his testimony:

A. Well, Mr. Edmonds told me that they were to be shipped up there.

Q. And he ordered them shipped, did he?—A. Well, I didn't hear him give any orders, except that he asked me to take certain letters out of the correspondence that were really personal letters to him.

Q. Letters personal to Mr. Edmonds?—A. Yes, sir. There were some business letters and things of that kind mixed in with the correspondence, and to certain business friends of his interested in the campaign largely through his business friendship.

You heard that testimony?

Mr. BLACK. I must have heard it.

The CHAIRMAN. So that you knew that the correspondence had been gone over and selected from before it was shipped?

Mr. BLACK. Oh, yes; I must have known that. All I know is what Mr. McMahon testified. I had no other knowledge.

The CHAIRMAN. I am now only inquiring as to your condition of mind, you having given the instructions for the shipment of the box backward and forward, and asking if you had in your mind at that time knowledge of what had been done with reference to the correspondence.

Mr. BLACK. I would be chargeable with that knowledge. I understood it was the separation of some of Mr. Edmonds's personal matters.

The CHAIRMAN. They are described here as personal and political.

Mr. BLACK. I understood Mr. McMahon's testimony was that everything pertaining to the campaign—

The CHAIRMAN. That everything pertaining to the campaign what?

Mr. BLACK. Was included in the box.

The CHAIRMAN. No. He says:

There were some business letters and things of that kind mixed in with the correspondence, and to certain business friends of his interested in the campaign largely through business friendship.

The CHAIRMAN. What was done with these letters that you took out?

A. I do not know what finally became of them. They were picked out by me—

This is Mr. McMahon testifying—

As I understood, for the purpose of having Mr. Edmonds take care of them himself, since they were personal correspondence.

Mr. BLACK. I have no knowledge or information with reference to that.

The CHAIRMAN. Call Mr. McMahon.

TESTIMONY OF EDWARD M. McMAHON—Recalled.

EDWARD M. McMAHON, having been previously sworn, was recalled, and testified as follows:

The CHAIRMAN. You have been heretofore sworn in this case?

Mr. McMAHON. Yes, sir.

The CHAIRMAN. You were employed in and about the headquarters of the Stephenson campaign committee in Milwaukee in the fall of 1908, were you?

Mr. McMAHON. Yes, sir.

The CHAIRMAN. And is it true that you assisted in gathering together the letters, documents, memoranda, correspondence, etc., at the headquarters at the end of the campaign?

Mr. McMAHON. Yes, sir.

The CHAIRMAN. And placed them in a box?

Mr. McMAHON. Yes.

The CHAIRMAN. Was that the box you described here the other day as being about 3 feet wide, 2 or 3 feet high, and about 4 to 6 feet long?

Mr. McMAHON. Yes, sir.

The CHAIRMAN. When did you last see that box?

Mr. McMAHON. The last day that I was in the headquarters, after the campaign closed.

The CHAIRMAN. In what room at headquarters was the box?

Mr. McMAHON. In the vault.

The CHAIRMAN. Was it nailed up?

Mr. McMAHON. I do not believe it was nailed up at that time.

The CHAIRMAN. Was it closed up?

Mr. McMAHON. I do not believe it was closed up.

The CHAIRMAN. Was the box full of papers and books?

Mr. McMAHON. Yes, sir; I should say so. I think it was filled. It was filled up.

The CHAIRMAN. It was filled?

Mr. McMAHON. Yes.

The CHAIRMAN. Was the box full of its contents?

Mr. McMAHON. It was nearly filled, if not filled.

The CHAIRMAN. Do you not think it was full?

Mr. McMAHON. It was closer to being full than empty. I do not remember exactly how much material there was in it at that time. It was over half filled, at least.

The CHAIRMAN. You helped to put the contents into the box, did you?

Mr. McMAHON. Yes, sir.

The CHAIRMAN. Who else assisted?

Mr. McMAHON. Mr. Lambeck and, I think, one of the girls who was still there; one of the stenographers.

The CHAIRMAN. Do you remember her name?

Mr. McMAHON. No, sir.

The CHAIRMAN. Was Mr. Edmonds in or about the rooms when that box was being prepared at any time?

Mr. McMAHON. He was in and out of the headquarters.

The CHAIRMAN. He was still at headquarters?

Mr. McMAHON. Yes, sir.

The CHAIRMAN. Up to the time you left?

Mr. McMAHON. I think he was there after I left.

The CHAIRMAN. Was Mr. Sacket there during that time?

Mr. McMAHON. He was in and out of the headquarters that day, also.

The CHAIRMAN. They saw you filling the box?

Mr. McMAHON. I suppose so. I do not remember.

The CHAIRMAN. There was nothing to prevent them from seeing you? Both Mr. Edmonds and Mr. Sacket were there?

Mr. McMAHON. Both Mr. Edmonds and Mr. Sacket were in and out of the headquarters that day.

The CHAIRMAN. They knew you were putting these papers in the box, did they?

Mr. McMAHON. Oh, yes. At least, Mr. Edmonds knew it.

The CHAIRMAN. Who gave you the instructions to procure and fill the box with this material?

Mr. McMAHON. The things that I put in the box were placed there through the instructions of Mr. Edmonds.

The CHAIRMAN. Did anyone put material in that box under instructions from Mr. Sacket?

Mr. McMAHON. I do not know as to that.

The CHAIRMAN. Did you hear Mr. Sacket speak with reference to the contents or the filling of the box?

Mr. McMAHON. I do not remember Mr. Sacket's having said anything about it.

The CHAIRMAN. So that Mr. Edmonds was your responsible director?

Mr. McMAHON. Yes, sir.

The CHAIRMAN. Did he tell you what to do with the box after it was filled?

Mr. McMAHON. No, sir.

The CHAIRMAN. Did you go through the contents of that box for the purpose of extracting any particular class of material from it?

Mr. McMAHON. Did I go through the box after it was once filled, you mean?

The CHAIRMAN. Yes.

Mr. McMAHON. No, sir.

The CHAIRMAN. Did you remove anything from the box after it had been placed there?

Mr. McMAHON. I did not; no, sir.

The CHAIRMAN. So that whatever assorting you did was before the material was placed in the box, was it?

Mr. McMAHON. Yes, sir.

The CHAIRMAN. What did you do with reference to separating or assorting the material that went into the box?

Mr. McMAHON. I having had charge of considerable of the correspondence of Mr. Edmonds, he asked me to remove certain correspondence from the regular files of correspondence before it was put into the box.

The CHAIRMAN. Did you make a catalogue of the correspondence which you removed?

Mr. McMAHON. I do not believe so. I think he simply gave me a list of certain correspondence, and had that kept out.

The CHAIRMAN. Where is that list?

Mr. McMAHON. I have never seen it since.

The CHAIRMAN. Did you not put it into the box?

Mr. McMAHON. No; it was not an important memorandum. It was just a slip of paper of some kind, on which he wrote down the names of certain men, and told me not to put that correspondence in the box.

The CHAIRMAN. Who were those men?

Mr. McMAHON. I do not remember any of them now.

The CHAIRMAN. Not one?

Mr. McMAHON. Not a single one.

The CHAIRMAN. Were they any of the men connected with the campaign?

Mr. McMAHON. I should say so.

The CHAIRMAN. All of them were connected with the campaign, were they not?

Mr. McMAHON. Not quite all of them. Mr. Edmonds had some business matters the correspondence concerning which would get mixed with the regular correspondence.

The CHAIRMAN. It was political business, was it not?

Mr. McMAHON. Not all of it.

The CHAIRMAN. If you say that that correspondence did not all relate to the campaign, how is it that you can not as well say who the persons were with whom that correspondence was had and who were not related to the campaign?

Mr. McMAHON. I have not thought of those names. They were names foreign to me; some of them were the names of men located in other States who were carrying on business correspondence with him. It was simply a matter of routine with me at the time.

The CHAIRMAN. What proportion of the letters you removed were of that character?

Mr. McMAHON. You mean personal business letters?

The CHAIRMAN. Letters that were separated entirely from political or campaign affairs.

Mr. McMAHON. I should say the smaller number.

The CHAIRMAN. The larger number of the letters you removed were letters connected with the campaign, were they?

Mr. McMAHON. The greater amount, you say?

The CHAIRMAN. Yes.

Mr. McMAHON. Yes, sir.

The CHAIRMAN. Can you tell with whom any of that correspondence was conducted?

Mr. McMAHON. I can not, at this time.

The CHAIRMAN. At what time can you do it?

Mr. McMAHON. I do not remember the names of any of those people.

The CHAIRMAN. Do you remember the character of the correspondence, or the subject matter of it?

Mr. McMAHON. I do not remember the nature of it now. My recollection of it is this: That they were personal friends of Mr. Edmonds, irrespective of factional political affiliations, and that through his personal connections he would ask them to assist in the campaign and ask them for information regarding the campaign in their different localities.

The CHAIRMAN. That is the class of correspondence, largely, that was left in the box, is it not?

Mr. McMAHON. Yes, sir; but Mr. Edmonds seemed to regard this as more personal correspondence, regarding himself, than the regular general campaign matters.

The CHAIRMAN. You handed that to Mr. Edmonds, did you?

Mr. McMAHON. I do not remember what I did with it, now. I know I removed it, and did not put it in with the rest of the correspondence.

The CHAIRMAN. I read from your former testimony:

Q. What was done with those letters that you took out?—A. I do not know what finally became of them. They were picked out by me, as I understood, for the purpose of having Mr. Edmonds take care of them himself, since they were personal correspondence.

Mr. McMAHON. That is my understanding of it now.

The CHAIRMAN. You gave them to Mr. Edmonds, of course?

Mr. McMAHON. Yes, sir.

The CHAIRMAN. That is the last you know of them?

Mr. McMAHON. Yes.

The CHAIRMAN. Did you see the box at the time it was shipped from the offices?

Mr. McMAHON. No, sir. I did not return to the headquarters after the day after the primary.

The CHAIRMAN. Did you leave Mr. Lambeck in charge?

Mr. McMAHON. Mr. Lambeck was there longer than I was.

The CHAIRMAN. Who ordered that box, with those papers, to be shipped to Marinette?

Mr. McMAHON. I do not know.

The CHAIRMAN. How did you understand that they were to be shipped to Marinette?

Mr. McMAHON. Mr. Edmonds told me so.

The CHAIRMAN. When did he tell you?

Mr. McMAHON. Either the night of or the night after the primary.

The CHAIRMAN. The night of the primary or the night after the primary?

Mr. McMAHON. Yes, sir.

The CHAIRMAN. From where did the instructions come to ship those papers to Marinette?

Mr. McMAHON. The instructions to Edmonds or the instructions——

The CHAIRMAN. I ask you from where the instructions came to ship those papers to Marinette?

Mr. McMAHON. Mr. Edmonds told us, Mr. Lambeck and myself, that they were to be shipped to Marinette, according to instructions he received from Senator Stephenson.

The CHAIRMAN. You recite here the circumstances in regard to Mr. Edmonds and Mr. Lambeck going into the private booth and telephoning to Senator Stephenson at Marinette.

Mr. McMAHON. Yes.

The CHAIRMAN. And getting orders from him to ship all the papers to Marinette. That is true, is it, in brief?

Mr. McMAHON. Yes, sir.

The CHAIRMAN. And you left them there; and you have described the approximate size of that box, have you?

Mr. McMAHON. That is the description, according to my best memory at this time.

Senator POMERENE. Then, all of the correspondence, files, records, books, and documents of every description were put in this box, except those that you have indicated, which were turned over to Mr. Edmonds. Is that correct?

Mr. McMAHON. I would not be able to say as to all the documents and material that were around Mr. Edmonds's office.

Senator POMERENE. Can you tell us now where any of it went, other than what was put in this box?

Mr. McMAHON. No, sir; I can not.

Senator POMERENE. Did Mr. Sacket take away any of this material?

Mr. McMAHON. I do not remember his having taken them away.

Senator POMERENE. Did he have any personal correspondence there which he kept out?

Mr. McMAHON. Not that I remember. I do not think so.

Senator POMERENE. Or records?

Mr. McMAHON. No, sir.

Senator POMERENE. Or books or card indexes or cards?

Mr. McMAHON. No, sir.

Senator POMERENE. Did you put in this box cards on which the expense accounts were kept?

Mr. McMAHON. Did I put into this box Mr. Edmonds's cards?

Senator POMERENE. Yes; into this large box that you are speaking about.

Mr. McMAHON. I am not sure now whether they were put in there or not.

Senator POMERENE. Did you see them there at that time?

Mr. McMAHON. They were there on Mr. Edmonds's desk. I remember having seen them on Mr. Edmonds's desk.

Senator POMERENE. Do you remember seeing them on the day you were packing this box?

Mr. McMAHON. I do not remember just on that day, but at the end of the campaign.

Senator POMERENE. You mean by that that you saw them there on the day of the primary or the day after?

Mr. McMAHON. Primary day is the last recollection I have of them.

Senator POMERENE. Do you know what became of them after primary day?

Mr. McMAHON. I am not certain about that, as to whether they were put in the box or whether Mr. Edmonds kept them out.

Senator POMERENE. If he did keep them out, do you know what became of them?

Mr. McMAHON. No, sir.

Senator POMERENE. I wish you would now go over this matter in detail, as fully as you can, and tell us the nature of these books, records, papers, files, etc., which you placed in that box.

Mr. McMAHON. In the first place, as I testified before, I was working only with Mr. Edmonds, and when I was asked to put material aside to be put in the box, and afterwards put it in the box, it was Mr. Edmonds's end of the campaign alone—that is, the correspondence and poll lists and things of that kind that we gathered together. As to the other material that was put in there, there was probably material put in there also by Mr. Lambeck.

Senator POMERENE. Just tell us what you put in there or what you know was put in there.

Mr. McMAHON. The larger bulk would be the correspondence. That would have occupied a large part of the space. Then we had poll lists—I believe there were quite a few nomination papers that we had not used that were put in there. That would be the largest amount of the material; and it is the only material that I now remember definitely to have selected and to have put in the box for Mr. Edmonds.

Senator POMERENE. You say that is the largest amount. Small things are sometimes mighty. What were they that you put in, if any?

Mr. McMAHON. I do not remember to have put in other things than those, but I may have put in other things. I do not remember now.

Senator POMERENE. Can you state anything else that you put in there?

Mr. McMAHON. I can not remember anything else.

Senator POMERENE. By "correspondence" you mean the original letters that were received?

Mr. McMAHON. The original letters and the answers thereto.

Senator POMERENE. And the carbon copies? Were they in the form of a copy book?

Mr. McMAHON. No, sir; they were separate pages, copies of letters—just sheets of brown paper, carbon copies.

Senator POMERENE. They were filed with the letters, were they?

Mr. McMAHON. Yes, sir.

Senator POMERENE. Were these carbon replies or letters, written at the office here, attached to the letters to which they were replies?

Mr. McMAHON. They were not attached to the letters. They were put in a manila folder. The original letter that came to the headquarters and the answer that went out were put together in the same folder, and, as I remember, pinned together.

Senator POMERENE. You say they were pinned together?

Mr. McMAHON. I would not be positive about that. I think some of them were, at least.

Senator POMERENE. Were the letter and the reply stuck together by some means, either by a pin or a fastener, or by mucilage or something of that sort?

Mr. McMAHON. I think some of them were fixed together in that way. As to whether we continued that throughout the whole campaign, I do not remember. But when we started out we started with that system.

Senator POMERENE. You say you started with that system. Was there any reason why you should change it?

Mr. McMAHON. It became quite burdensome. We were getting so much correspondence, and the correspondence end of the campaign was becoming such a large item that we began to get careless about some of those things later on.

Senator POMERENE. There was considerable help there in the office, was there not?

Mr. McMAHON. All the help that was there worked pretty hard.

Senator POMERENE. Did Mr. Edmonds have among these papers any expense account or memoranda of expenses?

Mr. McMAHON. He had a memoranda of that kind; but, as I said before, I do not know for sure now whether that went into the box or not.

Senator POMERENE. I think that is all.

Mr. LITTLEFIELD. There was other material in the box besides the letter files and the poll lists, was there not? For instance, was there not blank paper there?

Mr. McMAHON. I do not remember any blank paper.

Mr. LITTLEFIELD. Were not packages of letter paper that were left over, not used in the campaign, put into the box?

Mr. McMAHON. There may have been such, but I did not have anything to do with that. As I stated before, there were other things put in the box that I did not even see and had no interest in.

Mr. LITTLEFIELD. Do you remember whether or not there was considerable paper about the office that had not been used, which in that sense would be blank paper?

Mr. McMAHON. I do not even remember that.

Mr. LITTLEFIELD. You say some nomination papers were put in. Were they nomination papers as they came in packages from the printing office, or were they loose?

Mr. McMAHON. I do not know now in what form they were, either.

Mr. LITTLEFIELD. You say there were some poll lists. Were the poll lists on foolscap paper and also upon cards? That is, were they in both forms?

Mr. McMAHON. I think they were all on paper, as I remember it now.

Mr. LITTLEFIELD. Yes; they were on paper; but were any of the poll lists on card indexes—that is, mailing lists? Were there any mailing lists on card indexes?

Mr. McMAHON. I do not remember.

Mr. LITTLEFIELD. I wish the secretary of the committee would hand me some of the poll lists, so that I can ask the witness whether or not he identifies them.

The CHAIRMAN. No. We do not care this morning to go into the contents of that box. We are going to confine the inquiry this morning to the box and its contents by reference only. We are not going into the contents of the box.

Mr. LITTLEFIELD. I wanted to see if I could refresh the recollection of the witness as to whether or not he put those things in the box.

The CHAIRMAN. You will have to do without that this morning.

Mr. LITTLEFIELD. Very well.

The CHAIRMAN. There will be a proper time to do that, when the contents of the box will be dissected and an inquiry made concerning them.

Mr. LITTLEFIELD [to Mr. McMahon]. In the absence of being able to show you any of the cards containing, in alphabetical order, the names of parties on the mailing lists, I will ask you whether or not there were packages of cards containing lists of names that were by you put into the box?

Mr. McMAHON. I do not remember any cards.

Mr. LITTLEFIELD. On what were the poll lists that you put in the box written?

Mr. McMAHON. As I remember, they were in typewriting on sheets of paper.

The CHAIRMAN. I will say to the counsel that it is not the intention to do more this morning than to trace this box and its contents; but the committee will take up in regular order the question of the contents of the box. We want to know physically where this box has been.

Mr. LITTLEFIELD. Then I will have an opportunity to reexamine this witness?

The CHAIRMAN. Certainly. If the counsel desire to examine this witness upon any question, the witness will be available until the end of the hearing.

Mr. LITTLEFIELD. Inasmuch as the committee had already opened the question of the contents of the box——

The CHAIRMAN. We will not argue about that. That is the order of the committee, as stated.

Mr. LITTLEFIELD. The committee decline to allow me to examine, then, as to the contents?

The CHAIRMAN. Yes; as to the contents of the box.

Mr. LITTLEFIELD. I will ask him this further question upon that subject, and the committee can rule——

The CHAIRMAN. The committee has already ruled. It is not necessary to ask any question. We are not in a court of technicalities. Counsel may ask him any question as to the whereabouts of this box, and any question with reference to putting the contents in it, without relation to the identical contents, or the contents of the contents. We are this morning here to physically trace this box and its contents.

Mr. LITTLEFIELD. I was following up the examination made by Senator Pomerene, who——

The CHAIRMAN. That is not necessary.

Mr. LITTLEFIELD. Very well. Then I will ask him this question: Were there any inkwells in this box?

The CHAIRMAN. The witness need not answer that question. The rule of procedure laid down by the committee will be adhered to.

Mr. LITTLEFIELD. Very well. [To Mr. McMahon.] When did you first see this box?

Mr. McMAHON. When it was brought into the headquarters.

Mr. LITTLEFIELD. Who brought it in?

Mr. McMAHON. Some of the janitors of the building, I believe.

Mr. LITTLEFIELD. It was brought in by some of the janitors of the Wells Building?

Mr. McMAHON. As I remember, it was.

Mr. LITTLEFIELD. Do you know where they got it?

Mr. McMAHON. I do not know.

Mr. LITTLEFIELD. Do you know whether or not it was a shoe box?

Mr. McMAHON. I could not say as to that.

Mr. LITTLEFIELD. Would you say it was not a shoe box?

Mr. McMAHON. I would not say so.

Mr. LITTLEFIELD. What is your recollection upon that point?

Mr. McMAHON. I do not remember now.

Mr. LITTLEFIELD. You do not remember whether it was or not?

Mr. McMAHON. I do not remember whether or not it was a shoe box.

Mr. LITTLEFIELD. You would not say it was not?

Mr. McMAHON. No, sir.

Mr. LITTLEFIELD. Can you give the name of the janitor who brought in the box?

Mr. McMAHON. No, sr.

Mr. LITTLEFIELD. Who requested the janitor to get the box?

Mr. McMAHON. I do not know as to that. The box was there when I got there.

Mr. LITTLEFIELD. Then the box was in the vault when you got there?

Mr. McMAHON. No; it was in the first room.

Mr. LITTLEFIELD. So that you had nothing to do with the procuring of the box. Was it a rough or a smooth box?

Mr. McMAHON. I could not say now as to that.

Mr. LITTLEFIELD. It was not fastened up when you last saw it?

Mr. McMAHON. No, sir.

Mr. LITTLEFIELD. Can you give any idea as to its character, as to the thickness of the material of which it was made—that is, as to whether it was constructed of half-inch boards or inch boards?

Mr. McMAHON. I could not. No; I do not remember. I know it was not a light box. It was a fairly heavy box.

Mr. LITTLEFIELD. I beg pardon?

Mr. McMAHON. It was a fairly heavy box. It was not a real light, thin box. It was quite substantial.

Mr. LITTLEFIELD. That is all.

The CHAIRMAN. That is all.

TESTIMONY OF RODNEY SACKET—Recalled.

The CHAIRMAN. Did you ever see a box in which were placed or were being placed papers connected with the campaign at the Stephenson headquarters in Milwaukee?

Mr. SACKET. I have no distinct recollection of a box.

The CHAIRMAN. Have you any kind of recollection?

Mr. SACKET. I saw a box that was being packed with things in the outer office, as I passed through the office. I never stopped to examine it.

The CHAIRMAN. You do not know what was put in that box?

Mr. SACKET. No, sir; I do not.

The CHAIRMAN. Did any person under your direction or control have orders to place anything in that box?

Mr. SACKET. Yes, sir.

The CHAIRMAN. Who had such orders?

Mr. SACKET. Mr. Lambeck.

The CHAIRMAN. Then Mr. Lambeck represented you so far as concerned the placing of anything in that box?

Mr. SACKET. I told Mr. Lambeck to put certain things in that box.

The CHAIRMAN. What things did you tell him to put in that box?

Mr. SACKET. The office fixtures, such as inkwells and wire baskets used on the desks to hold letters. The general instruction to him was to put everything into that box that Senator Stephenson might use in any of his offices.

The CHAIRMAN. I am not now referring to mechanical things. I refer to papers.

Mr. SACKET. I gave him no instructions to put any papers in there, unless it might have been the poll lists—lists of names.

The CHAIRMAN. The poll lists were under your control, were they, rather than under Mr. Edmonds's control?

Mr. SACKET. I should think so; yes, sir.

The CHAIRMAN. Did you have under your control any of the correspondence?

Mr. SACKET. I wrote some letters, but to the best of my recollection I did not sign any of them. They were signed by either Mr. Edmonds or Mr. Lambeck.

The CHAIRMAN. They would be in that department. When did you last see that box?

Mr. SACKET. During the time we were cleaning up the offices, shortly after the 1st of September.

The CHAIRMAN. Was the box there when you finally left the offices?

Mr. SACKET. I think it was; yes, sir.

The CHAIRMAN. Where was it?

Mr. SACKET. In the outer room or in the vault, being packed.

The CHAIRMAN. You do not know when the box came into the rooms?

Mr. SACKET. I have no knowledge.

The CHAIRMAN. And you do not know whence it came?

Mr. SACKET. No, sir.

The CHAIRMAN. Nor do you know whither it went?

Mr. SACKET. I directed that it be sent to Marinette.

The CHAIRMAN. Oh! You directed that?

Mr. SACKET. Yes, sir.

The CHAIRMAN. How did you come to direct that it be sent to Marinette?

Mr. SACKET. I wanted Senator Stephenson to have all of the things of any value that were left in the offices.

The CHAIRMAN. Did Senator Stephenson tell you to send the box to Marinette?

Mr. SACKET. No, sir.

The CHAIRMAN. How did you come to do it?

Mr. SACKET. I did it on my own responsibility.

The CHAIRMAN. Did you do it because of any conference with Mr. Edmonds?

Mr. SACKET. No, sir.

The CHAIRMAN. Did you order it sent to Marinette?

Mr. SACKET. I did.

The CHAIRMAN. Was the order in writing, or was it given orally?

Mr. SACKET. It was given orally.

The CHAIRMAN. To whom did you give those instructions?

Mr. SACKET. To Arthur Lambeck.

The CHAIRMAN. When did you do it?

Mr. SACKET. Shortly after the primary campaign; during the time we were closing the offices.

The CHAIRMAN. Had those orders been carried out when you left the headquarters?

Mr. SACKET. I think not.

The CHAIRMAN. Have you any knowledge that those orders of yours ever were carried out?

Mr. SACKET. No personal knowledge; no, sir.

The CHAIRMAN. What knowledge have you?

Mr. SACKET. I think Arthur Lambeck told me at one time since then that he had sent the box.

The CHAIRMAN. To whom did he ship it; or to whom did you direct him to ship it?

Mr. SACKET. I told him to ship it to Senator Stephenson.

The CHAIRMAN. Did he tell you that he had done so?

Mr. SACKET. That is my recollection of it; yes, sir.

The CHAIRMAN. Have you any personal knowledge of the character of any papers, documents, or books that were placed in that box? We do not care to go into inkstands and matters of that kind.

Mr. SACKET. I have no knowledge of any papers of any kind that went into the box. As I remember it, my instructions to him were to include things of value. In the way of papers, that would mean the lists of names, if there were any. But I had no idea that it would include correspondence or anything of that kind.

Mr. LITTLEFIELD. What did you say about correspondence?

Mr. SACKET. I had no idea that my instructions would include correspondence, or anything of no value.

The CHAIRMAN. How about accounts?

Mr. SACKET. The bills were in my possession. I had those put into the box and sent up to Senator Stephenson; and they were afterwards returned to me, and are now in the possession of this committee.

Senator POMERENE. The accounts?

Mr. SACKET. The receipted bills received from firms.

The CHAIRMAN. How about memoranda as to expenditures?

Mr. SACKET. There was no memorandum as to expenditures placed in that box, to my knowledge.

The CHAIRMAN. Did you have any in your possession?

Mr. SACKET. If I understand the sort of expenditures that you mean, I did not have any.

The CHAIRMAN. I mean any kind of expenditures connected with the campaign.

Mr. SACKET. I had sheets of paper on which I had taken memoranda off the cards on which I kept the accounts. I had those sheets, but they were not put into this box.

The CHAIRMAN. There were three conditions of existence of memoranda relating to sums paid out, as I understand it: First, there were cards; second, there were sheets of paper on which you had taken the amounts from the cards; third, the ultimate statement into which you incorporated them? Is that correct?

Mr. SACKET. Yes, sir.

The CHAIRMAN. Can you account for the cards?

Mr. SACKET. I destroyed the cards from time to time.

The CHAIRMAN. You did that personally, did you?

Mr. SACKET. Yes, sir.

The CHAIRMAN. So that you know they were destroyed?

Mr. SACKET. I tore them in two and threw them into the wastebasket.

The CHAIRMAN. And they could not by any possibility have ever reached this box?

Mr. SACKET. Unless I forgot to tear them in two and some one took them out of the wastebasket.

The CHAIRMAN. How about the loose papers? In that term I include memoranda of any kind that was not on the cards. What became of that class of material?

Mr. SACKET. The memoranda of expenditures, as I took them from the cards, a copy of the cards, I kept myself all the time.

The CHAIRMAN. Where is it now?

Mr. SACKET. It was delivered, in its final shape, to the committee at Madison.

The CHAIRMAN. Never mind the "final shape." I want the intermediate shape.

Mr. SACKET. That was destroyed as I made up the final report.

The CHAIRMAN. That could not, then, by any possibility have reached the box, could it?

Mr. SACKET. To the best of my knowledge, it could not.

The CHAIRMAN. That is, what you took from the cards and transferred to the ultimate account?

Mr. SACKET. Yes, sir.

The CHAIRMAN. So you destroyed that?

Mr. SACKET. Yes, sir.

The CHAIRMAN. And it could not have reached the box?

Mr. SACKET. I believe it could not.

The CHAIRMAN. Where did you put it when you destroyed it? What was the method of destruction?

Mr. SACKET. Crumpling it up or tearing it and throwing it into a wastebasket.

The CHAIRMAN. What did you do with the statement that you made up from that second element of destruction?

Mr. SACKET. Do you mean the final statement?

The CHAIRMAN. I mean the next step.

Mr. SACKET. I presume I made over that statement a number of times, on account of the fact that in carrying it in my pocket it became soiled, and was not easily deciphered.

The CHAIRMAN. Then you mean that it was the same paper copied a number of times?

Mr. SACKET. The same paper was copied a number of times.

The CHAIRMAN. Was it changed?

Mr. SACKET. No; there were no material changes in it.

The CHAIRMAN. You could not change it, having thrown away the source from which you made it, could you?

Mr. SACKET. No, sir.

The CHAIRMAN. I understand, then, that the ultimate result of that accounting from the last memorandum which you destroyed is the account which you filed?

Mr. SACKET. Yes, sir.

The CHAIRMAN. The reproduction of it merely means multiplying the copies? Is that so?

Mr. SACKET. That was all, and cleaning it up—making it in presentable, readable shape.

The CHAIRMAN. It got very much soiled in your pocket, did it?

Mr. SACKET. Yes, sir.

The CHAIRMAN. You were often referring to it, I suppose?

Mr. SACKET. Yes, sir.

The CHAIRMAN. It became somewhat dog-eared?

Mr. SACKET. Very much so.

The CHAIRMAN. How long did you carry it in your pocket?

Mr. SACKET. I had some of it in my pocket almost all of the time from early in July until the last of the following February.

The CHAIRMAN. July of what year?

Mr. SACKET. From July, 1908, to February, 1909.

The CHAIRMAN. Then you have conveyed a wrong impression, Mr. Sacket, because I understand that you made an ultimate account after the primary campaign was over, from these memoranda. Is that true?

Mr. SACKET. Yes, sir.

The CHAIRMAN. You say that is true?

Mr. SACKET. That is true.

The CHAIRMAN. How could you have had that in your pocket in July or August when the campaign ended with the election in September?

Mr. SACKET. I made that from other sheets that were in my pocket. I had some of the accounts in my pocket all of the time.

The CHAIRMAN. I think perhaps we have misunderstood each other. It is well enough to get together right now. Did you from day to day or from week to week or from time to time take the cards and transfer to loose sheets of paper the memoranda in

regard to the payments of money, or did you wait until the campaign was over and then do it?

Mr. SACKET. It was done from time to time.

The CHAIRMAN. How frequently?

Mr. SACKET. Oh, sometimes I did it every week, and sometimes the intervals were longer.

The CHAIRMAN. You could not even carry the card index until the end of the campaign?

Mr. SACKET. I did not carry it until the end of the campaign; no, sir.

The CHAIRMAN. You transferred it at close intervals from the card index to loose sheets of paper?

Mr. SACKET. Yes, sir.

The CHAIRMAN. Were they easier to provide space for or carrying room than the cards were?

Mr. SACKET. They were very much easier; yes, sir.

The CHAIRMAN. Where did you put them?

Mr. SACKET. I had some of them in my pocket some of the time and kept some of them in a drawer in my desk.

The CHAIRMAN. The card index was too bulky to keep on hand, and yet you could carry the contents of it in your pocket or in the drawer of a desk, could you?

Mr. SACKET. Yes, sir.

The CHAIRMAN. Was there any purpose of convenience served by transferring them from the card index to the loose papers?

Mr. SACKET. It made the account more compact, it did not take so much room, and it helped us check up. Mr. Puelicher and I checked up once in a while.

The CHAIRMAN. Then you put that on the sheets of the ultimate account and carried those sheets in your pocket, did you?

Mr. SACKET. Yes, sir.

The CHAIRMAN. And you commenced doing that in the early part of the campaign?

Mr. SACKET. Yes, sir.

The CHAIRMAN. And when the campaign was over you had been compelled to renew a number of those sheets because of their dilapidated condition?

Mr. SACKET. Yes, sir.

The CHAIRMAN. And you renewed them and carried the renewal in your pocket?

Mr. SACKET. Yes, sir.

The CHAIRMAN. And then at the end of the campaign you merely referred to your pocket for the accounts? Was that it?

Mr. SACKET. To my pocket and the drawer in my desk which might have contained some of those things.

The CHAIRMAN. How did you divide them in character between those you carried in your pocket and those you put in the drawer?

Mr. SACKET. There was no particular division made. I simply put things in my pocket when it was convenient and put them in the drawer of my desk when it was convenient.

The CHAIRMAN. And from that you made up your final account?

Mr. SACKET. Yes, sir.

The CHAIRMAN. So that on the last day of the campaign—that is, on the day of the primary election—you could not have produced the card index for a week, could you?

Mr. SACKET. On the 1st day of September, the day of the primary, I did not have the card index.

The CHAIRMAN. You had absolutely abolished it by that time?

Mr. SACKET. I might have had a few cards left. I do not know that my account was entirely complete at that time. There may have been some left, but certainly all of them were not there.

The CHAIRMAN. When do you say you first saw this box?

Mr. SACKET. As I remember it, in passing in and out of the room in which they were packing it, early in September.

The CHAIRMAN. You yourself never put anything in it?

Mr. SACKET. Not to my knowledge; no, sir.

The CHAIRMAN. From statements made by your subordinates, or those assisting you, did you know where this box was after the close of the campaign?

Mr. SACKET. Mr. Lambek told me that he had shipped the box to Marinette, as I asked him to.

The CHAIRMAN. Did you ever see it at any period between the time you left the headquarters and left the box there and the time you saw it in the court room here?

Mr. SACKET. I do not remember of having seen it at any time; no, sir.

The CHAIRMAN. Did you see it after it came to this city, before it came into the court room?

Mr. SACKET. Yes, sir.

The CHAIRMAN. That would be within the time that I asked you about. Did you ever see it at Marinette or at any other place?

Mr. SACKET. Not to my recollection; no.

The CHAIRMAN. Did you ever see the contents of it?

Mr. SACKET. No, sir.

The CHAIRMAN. You saw it after it reached Milwaukee and before it came into the courthouse, did you?

Mr. SACKET. I did; yes, sir.

The CHAIRMAN. Under what conditions did you see it?

Mr. SACKET. I saw it in the office of Cary, Upham & Black. Mr. Russell took me into a room and asked me if that was our stuff. I looked at it, but did not touch it.

The CHAIRMAN. You looked at it on the outside, or in the inside?

Mr. SACKET. The papers were in view. The box, the trunk, was open, and the papers were laying there in plain view.

The CHAIRMAN. Did you examine them?

Mr. SACKET. I was standing and looking at them, but did not examine them to take them in my hands.

The CHAIRMAN. How did you recognize them?

Mr. SACKET. I thought I recognized our stuff, our stationery and things.

The CHAIRMAN. You had never before seen them in a trunk, had you?

Mr. SACKET. No; I had never before seen them in a trunk.

The CHAIRMAN. What was there by which to identify them? When you had last seen them, they were in a box.

Mr. SACKET. The general appearance of the thing. There were several letter files in the form of books. I thought I recognized them.

The CHAIRMAN. I understand that they were not in your office; that the letter files did not go from your office?

Mr. SACKET. I was all over the offices, and at one time or another saw everything that was there.

The CHAIRMAN. Was there anything peculiar about these letter files? Were there any names on them?

Mr. SACKET. Nothing that I know of. I think Mr. Russell asked me something about some markings on the backs of them.

The CHAIRMAN. Who is Mr. Russell?

Mr. SACKET. Mr. Russell is one of the witnesses here in attendance.

The CHAIRMAN. I know; but who was he before he was a witness?

Mr. SACKET. He was in Cary, Upham & Black's office.

The CHAIRMAN. Was he about the headquarters during the campaign?

Mr. SACKET. He may have been in there, but he was not connected with them.

The CHAIRMAN. He had nothing to do with them?

Mr. SACKET. No, sir.

The CHAIRMAN. Was there anybody besides Mr. Wayland who had charge of those things, or had anything to do with them in the office?

Mr. SACKET. Mr. Lambeck had charge of them.

The CHAIRMAN. Mr. Arthur Lambeck?

Mr. SACKET. Yes, sir.

The CHAIRMAN. Did Mr. Van Houten?

Mr. SACKET. No; Mr. Van Houten had nothing to do with our office.

The CHAIRMAN. Did he assist in putting these papers together?

Mr. SACKET. Not to my knowledge.

The CHAIRMAN. Did Miss Stringham have any knowledge of the affairs of the office?

Mr. SACKET. She had none, to my knowledge, at all.

The CHAIRMAN. She was not here at the Milwaukee office?

Mr. SACKET. No, sir.

The CHAIRMAN. Do you know anything about Mr. MacLean, of Escanaba?

Mr. SACKET. I know Mr. MacLean; yes, sir.

The CHAIRMAN. What did he have to do with the office?

Mr. SACKET. He had nothing whatever to do with our office.

The CHAIRMAN. What did Henry Hornibrook, of Marinette, have to do with the office?

Mr. SACKET. Nothing, in our headquarters.

The CHAIRMAN. What did C. W. Kates, of Escanaba, have to do with the office?

Mr. SACKET. Nothing, in our headquarters.

The CHAIRMAN. So that whatever knowledge they have is after the box went out. That is all I desire to ask.

Senator POMERENE. When you were on the witness stand before did you have in mind where this box was?

Mr. SACKET. I did not think of that box when I was on the stand before. May I explain why I did not tell about it?

Senator POMERENE. Yes; you may explain.

Mr. SACKET. The questions, as I understood them, related to correspondence and original accounts. It was my instruction to Mr. Lambeck not to put those things, correspondence or anything

of that kind, in the box, but to destroy it; and when those questions were asked me they did not bring to my mind the box, which I supposed at that time to contain inkwells, letter baskets, office truck, and possibly lists of names.

Senator POMERENE. You mean to say that during all this examination you did not have in mind that we wanted to know where this correspondence and these records were?

Mr. SACKET. I did understand that you wanted to know where the correspondence and the records were; but I did not think this box contained any such stuff.

Senator POMERENE. And it did not even suggest to you the propriety of telling us that there was a box?

Mr. SACKET. It suggested to me that I ask Mr. Lambeck more particularly about it, which I did as soon as I got through; and he told me he thought the correspondence was put into the box.

Senator POMERENE. When did you get that information from him?

Mr. SACKET. After I had finished testifying here.

Senator POMERENE. How long afterwards?

Mr. SACKET. Within a very short time, a day or two; as soon as I saw Lambeck.

Senator POMERENE. You did not think of the propriety of coming to the committee and telling any member of the committee about it?

Mr. SACKET. I went to Mr. Black and told him what Mr. Lambeck said, and he said he would attend to it.

Senator POMERENE. Did you see this box or its contents after it was shipped to Marinette?

Mr. SACKET. Not to my knowledge; no, sir; except as I have explained that I saw it in Cary, Upham & Black's office.

Senator POMERENE. Do you know whether or not anyone had gone through this box or its contents after it left?

Mr. SACKET. I have no knowledge on that subject.

Senator POMERENE. I think that is all I care to inquire now. Later on I may want to inquire further.

Mr. LITTLEFIELD. Is the witness turned over to me?

Senator POMERENE. Yes.

Mr. LITTLEFIELD. Describe this box, according to your best recollection, when you last saw it.

Mr. SACKET. It was a wooden box, an ordinary box such as dry goods are shipped in. It was standing on the floor of the outer office or in the vault; I could not say which.

Mr. LITTLEFIELD. Could you say whether it was a shoe box or a dry goods box?

Mr. SACKET. I think it was a little larger than the ordinary shoe box, but not much larger.

Mr. LITTLEFIELD. Do you know who got it?

Mr. SACKET. I do not.

Mr. LITTLEFIELD. Do you know where they obtained it?

Mr. SACKET. I do not.

Mr. LITTLEFIELD. Do you know who ordered the box?

Mr. SACKET. I have no personal knowledge of the ordering of the box, except as I directed.

Mr. LITTLEFIELD. To whom did you give directions?

Mr. SACKET. I directed Mr. Lambeck to ship the goods to Marinette.

Mr. LITTLEFIELD. The first knowledge you had of the box, after you gave the instructions to Lambeck, was the seeing of the box in the place you have described?

Mr. SACKET. Yes, sir.

Mr. LITTLEFIELD. Where was the box when you saw it?

Mr. SACKET. It was in either the outer office or the vault.

Mr. LITTLEFIELD. Do those vaults run continuously right up through each story? I never was in this room.

Mr. SACKET. I should judge, from the construction of the vault that they do. I have not been on all the floors though.

Mr. LITTLEFIELD. How large was that vault?

Mr. SACKET. The vault was very large. It was almost as large as an ordinary small office itself. It was so large that we had lots of work done in the vault.

Mr. LITTLEFIELD. That is, you used it for a workroom?

Mr. SACKET. Yes, sir.

Mr. LITTLEFIELD. Later I may wish to cross-examine the witness as to the contents of the box. I understand that for the present the committee does not care to go into that subject?

The CHAIRMAN. We will not go into that subject now.

Mr. LITTLEFIELD. When did you speak to Mr. Black with relation to your conversation with Lambeck?

Mr. SACKET. Since I testified here in regard to the correspondence.

Mr. LITTLEFIELD. Yes; but how long ago? Was it before or after the question of the box came up here before the committee?

Mr. SACKET. It was before the question came up before the committee.

Mr. LITTLEFIELD. How long before was it?

Mr. SACKET. I should think it was about two weeks ago that I spoke to Mr. Black about it.

Mr. LITTLEFIELD. That is all.

The CHAIRMAN. That is all.

TESTIMONY OF MISS MARY F. STRINGHAM.

MARY F. STRINGHAM, being duly sworn, was examined and testified as follows:

The CHAIRMAN. Where do you reside?

Miss STRINGHAM. In Marinette.

The CHAIRMAN. Have you at any time been secretary to Senator Stephenson?

Miss STRINGHAM. I have been.

The CHAIRMAN. Do you now occupy that position?

Miss STRINGHAM. I do.

The CHAIRMAN. Did you occupy that position in 1909 and 1910?

Miss STRINGHAM. Yes.

The CHAIRMAN. Have you been present while the witnesses have been testifying in regard to a box of papers that was shipped from Milwaukee to Marinette?

Miss STRINGHAM. I have been present this morning. That is the only time.

The CHAIRMAN. Did you ever see that box?

Miss STRINGHAM. I did.

The CHAIRMAN. Where did you first see it?

Miss STRINGHAM. In the warehouse belonging to the N. Ludington Co., the lumber company of which Senator Stephenson is president.

The CHAIRMAN. Was it a wooden box?

Miss STRINGHAM. Yes.

The CHAIRMAN. Will you describe it, first as to its size, as nearly as you can remember?

Miss STRINGHAM. I hardly know how to describe it. It was an ordinary packing box, I should think about like a shoe box.

The CHAIRMAN. About how long would that be, and about how high?

Miss STRINGHAM. I do not know that I could give the dimensions.

The CHAIRMAN. You may compare it with that table [referring to the counsel's table].

Miss STRINGHAM. It was as long as the table is wide; perhaps longer, and the box was longer than it was wide. It was not a square box, and it was not a dry goods box.

The CHAIRMAN. About how high was it? Was it 2 feet high?

Miss STRINGHAM. It was perhaps as high as from this corner of the desk [referring to the reporter's desk] down to the floor. I do not really remember. I really did not pay much attention to it at the time.

The CHAIRMAN. Was it shipped there, to your knowledge? That is, do you know when it arrived?

Miss STRINGHAM. No.

The CHAIRMAN. When did you first see the box?

Miss STRINGHAM. I can not fix the date; but Mr. Lambeck had written to me from Washington that the Senator wanted a letter forwarded to him, and it was either in my files or Mr. Lambeck thought it was in the files in the box that had been sent up from headquarters. That is my first knowledge of the box—that is, my first remembrance of it.

The CHAIRMAN. About when was that? Give it by month or year.

Miss STRINGHAM. I think it was after the holidays in 1909, but I can not tell the month.

The CHAIRMAN. This was your first notice that the box had been shipped to Senator Stephenson at Marinette, was it?

Miss STRINGHAM. That is the first that I remember—that I have any recollection of.

The CHAIRMAN. Could you produce that letter?

Miss STRINGHAM. I did not find it, either in my own files or the others.

The CHAIRMAN. Did it come by express or freight?

Miss STRINGHAM. The box? I do not know.

The CHAIRMAN. I want to trace that box to Marinette from the headquarters in Milwaukee. Have you any data or information in regard to that subject?

Miss STRINGHAM. I have not. My first knowledge of the box was when I went out into the store and asked the clerks if there was in the warehouse any box belonging to Senator Stephenson.

The CHAIRMAN. When was that?

Miss STRINGHAM. It was when I got the letter from Mr. Lambeck. I could not tell. It might have been in February, or it might have been in January. It was in 1909.

The CHAIRMAN. You remained at Marinette? You were not in Washington, were you.

Miss STRINGHAM. No. I am in Marinette all the time.

The CHAIRMAN. You received a letter saying this box had been sent. You went out into the warehouse and inquired of whom?

Miss STRINGHAM. It was some one working in the store; I do not know who. It was some of the clerks around the store. I asked them if there was such a box there.

The CHAIRMAN. Did you mean 1909 or 1910?

Miss STRINGHAM. It must have been 1909. It was about the time the investigation commenced.

The CHAIRMAN. Who was the shipping clerk in that store at Marinette?

Miss STRINGHAM. I do not know who receipted for the box.

The CHAIRMAN. Was it the same person as the one who now occupies that position?

Miss STRINGHAM. I do not know, because I do not know who receipted for it.

The CHAIRMAN. Are you not so connected with the business there that you would know who the receiving clerk was?

Miss STRINGHAM. I would know if they reported it to me, but they did not. I suppose they just took it and set it out in the warehouse. I did not receipt for it.

The CHAIRMAN. You did not receipt for it?

Miss STRINGHAM. I did not receipt for it, and did not know when it came.

The CHAIRMAN. Who took possession of it—when you found it there what did you do?

Miss STRINGHAM. I looked in it to see if there were any letter files there.

The CHAIRMAN. You went through the box, did you?

Miss STRINGHAM. So far as that. I had the letter files carried into the private office so I could look them through, and I took them there to my desk. It was cold weather.

The CHAIRMAN. The box was opened in the warehouse, then, was it?

Miss STRINGHAM. The box had been opened by mistake before. The boys said that one of the men working around the store thought it was a box of merchandise belonging to the company, and he had taken off the cover, and he then saw it was something else, and he put the covers back. The boards were loose when I saw it; but there had been nothing removed, so far as I could tell.

The CHAIRMAN. You directed that the letter files be taken into the office. Did you direct that anything else be taken in?

Miss STRINGHAM. I took in a box of campaign buttons that were left over, that I thought I would save.

The CHAIRMAN. That is all? Just the letter files and the campaign buttons?

Miss STRINGHAM. Yes, sir.

The CHAIRMAN. You left the remainder of the contents in the box, did you?

Miss STRINGHAM. Yes, sir.

The CHAIRMAN. And, as far as you know, it has stayed there?

Miss STRINGHAM. As far as I know, it has stayed there.

The CHAIRMAN. Did you go through the letter files?

Miss STRINGHAM. I just ran through them to see if the letter was there. I do not know the name of the writer of the letter. I do not remember it now.

The CHAIRMAN. What were you looking for?

Miss STRINGHAM. Some letter that they wanted to refer to.

The CHAIRMAN. Who wanted to refer to it?

Miss STRINGHAM. The Senator; and he had Mr. Lambeck write to me about it.

The CHAIRMAN. Where was the Senator then?

Miss STRINGHAM. In Washington.

The CHAIRMAN. And he wrote you, directing you to ascertain if a certain letter was there, did he?

Miss STRINGHAM. Mr. Lambeck did, yes.

The CHAIRMAN. Mr. Lambeck was Senator Stephenson's secretary, was he?

Miss STRINGHAM. He was his messenger.

The CHAIRMAN. And pursuant to those instructions you went through the letter files and failed to find that letter?

Miss STRINGHAM. Yes.

The CHAIRMAN. Did you examine the letters with reference to anything else than the identification of that letter?

Miss STRINGHAM. No. I just looked through and noticed there were a great many letters there. I did not take them out or read them. They were not of any interest to me.

The CHAIRMAN. Were they indexed?

Miss STRINGHAM. You mean the files?

The CHAIRMAN. Yes.

Miss STRINGHAM. Yes.

The CHAIRMAN. So you looked through the index, did you?

Miss STRINGHAM. Yes; whatever the index letter was I wanted.

The CHAIRMAN. You just looked through the letter of the alphabet that represented the place of filing the letter you were looking for?

Miss STRINGHAM. Yes. I did not read the other letters. I just knew there were other letters.

The CHAIRMAN. Then what did you do?

Miss STRINGHAM. I wrote that I did not find the letter.

The CHAIRMAN. What did you do with the letter files?

Miss STRINGHAM. I stacked them up in the vault off the Senator's private office for safe-keeping.

The CHAIRMAN. How long did they remain there?

Miss STRINGHAM. They remained there until they were taken out into the office to be given to some one to take up to Wells.

The CHAIRMAN. Was that done under your supervision?

Miss STRINGHAM. Do you mean the taking of them out of the vault?

The CHAIRMAN. Yes.

Miss STRINGHAM. I do not remember. No one else has access to the vault.

The CHAIRMAN. It was done under your supervision?

Miss STRINGHAM. Yes; I think I did it myself.

The CHAIRMAN. You got a letter from whom, directing you to take those files out of the vault and dispose of them?

Miss STRINGHAM. I do not think I received any letter about it.

The CHAIRMAN. Give me the source of your instruction.

Miss STRINGHAM. I think it was from the attorneys.

The CHAIRMAN. Was it in writing?

Miss STRINGHAM. I think not. It was verbal.

The CHAIRMAN. From what attorney was it?

Miss STRINGHAM. Mr. Russell, I think.

The CHAIRMAN. Who is Mr. Russell?

Miss STRINGHAM. He is in the office of Cary, Upham & Black.

The CHAIRMAN. He was there in person and gave you this instruction, did he, to take those files, return them to the box, and send them to Wells? Is that right?

Miss STRINGHAM. I do not know whether or not he gave me the instructions in Marinette. I was in Milwaukee once or twice. He may have told me there. I have no recollection. But he gave me the instructions. I remember that.

The CHAIRMAN. It is important to know who had the actual custody of the files when, under your instructions, they were taken out of the vault. You say they were in your custody?

Miss STRINGHAM. Yes.

The CHAIRMAN. Who had possession of them? Who did the physical act of taking them out of the vault and conveying them away?

Miss STRINGHAM. I am under the impression that I myself took them out of the vault and stacked them up in the outer office for the convenience of whoever was to take them away.

The CHAIRMAN. Who did take them away?

Miss STRINGHAM. Mr. MacLean.

The CHAIRMAN. R. E. MacLean?

Miss STRINGHAM. Yes.

The CHAIRMAN. Did you see him take them from the outer office?

Miss STRINGHAM. I was there when he came in. I was there part of the time. I went out on the street on an errand. I suppose he took them.

The CHAIRMAN. Was that the last you ever saw of them?

Miss STRINGHAM. Yes.

The CHAIRMAN. Did you ever again see that box?

Miss STRINGHAM. I do not know whether I went out to the warehouse again or not. I did not have any occasion to go, as far as the box was concerned.

The CHAIRMAN. The question is, did you ever again see that box?

Miss STRINGHAM. I do not remember whether I did or not.

The CHAIRMAN. You would remember it if you had seen it?

Miss STRINGHAM. I would not, from the fact that I had no knowledge that the box was of any importance. It had never been brought to my knowledge.

The CHAIRMAN. Do you know who shipped the box or its contents away from the warehouse?

Miss STRINGHAM. I do not.

The CHAIRMAN. You speak of Mr. MacLean as the superintendent. Of what was he the superintendent?

Miss STRINGHAM. Of the I. Stephenson Co., at Wells, Mich.

The CHAIRMAN. He came personally after these files, did he?

Miss STRINGHAM. Yes.

The CHAIRMAN. Was that the last you have ever seen of the contents of the box, or of the box?

Miss STRINGHAM. Of the contents. The box may be there yet for all I know. I do not know anything about the box further than that.

The CHAIRMAN. We shall have to take up that matter with Mr. MacLean. So far as your knowledge goes, those letters passed from your custody to that of Mr. MacLean?

Miss STRINGHAM. Yes.

The CHAIRMAN. Did not this box come back from Wells to Marinette?

Miss STRINGHAM. I do not know.

The CHAIRMAN. You have never seen it since, you say?

Miss STRINGHAM. Not to my knowledge.

The CHAIRMAN. You do not know what became of it after Mr. MacLean took those letters, do you?

Miss STRINGHAM. No, sir.

The CHAIRMAN. Directly or indirectly?

Miss STRINGHAM. No, sir.

The CHAIRMAN. Either of your own knowledge or by hearsay?

Miss STRINGHAM. I know that they took them away; but I do not know whether the box was shipped back or not.

The CHAIRMAN. Do you know anything, either directly or indirectly, or by hearsay, as to where the contents of that box, or the box itself, may have been sent to or brought from?

Miss STRINGHAM. Oh, yes. I understood the contents were sent up to Wells, Mich., but I do not know about the box.

The CHAIRMAN. Have you any knowledge that the contents were removed from the box?

Miss STRINGHAM. I understood they were removed in order to carry them more conveniently.

The CHAIRMAN. At what time were they removed?

Miss STRINGHAM. If I remember correctly, they were removed in the Senator's office, and I think the files were left there.

The CHAIRMAN. Removed in the Senator's office where?

Miss STRINGHAM. In Marinette.

The CHAIRMAN. By Mr. MacLean?

Miss STRINGHAM. I suppose so.

The CHAIRMAN. Did he tell you about it?

Miss STRINGHAM. I do not think so.

The CHAIRMAN. Give us the fullest information that you have. It is much more important to Senator Stephenson that we have this information than it is to anybody else. Give us freely all information that you have. The responsibility for accounting for this box is not upon the committee; and if you can account for it, please help us do it.

Miss STRINGHAM. I am willing to give all the information I can.

The CHAIRMAN. Where did you get the information that the contents of that box were removed in Senator Stephenson's office?

Miss STRINGHAM. I left them out there for Mr. MacLean, and I am under the impression that he took the letters right out of the files to pack them. I do not remember whether he left the cases there or not.

The CHAIRMAN. Did he have a trunk there in which to pack them?

Miss STRINGHAM. I did not see any.

The CHAIRMAN. Did you hear of any?

Miss STRINGHAM. No, sir. All I saw when he came in was that he had a suit case.

The CHAIRMAN. Did he take the letters out of the files and put them in a suit case?

Miss STRINGHAM. So far as I know. I was not there.

The CHAIRMAN. Did he tell you that he did?

Miss STRINGHAM. I understood so.

The CHAIRMAN. From whom?

Miss STRINGHAM. From the fact that the letters were gone.

The CHAIRMAN. But the cases remained?

Miss STRINGHAM. I am under the impression that the cases remained.

The CHAIRMAN. Where did you get the impression in regard to the suit case?

Miss STRINGHAM. I saw him with the suit case.

The CHAIRMAN. He brought the suit case in; and what did he tell you? Did he say, "Where are those letter files?"

Miss STRINGHAM. You know it is three years ago. I do not remember what he said to me.

The CHAIRMAN. In effect, what did he say?

Miss STRINGHAM. I knew that he had come for them.

The CHAIRMAN. How did you know that?

Miss STRINGHAM. I understood he was coming for them.

The CHAIRMAN. From whom did you understand that?

Miss STRINGHAM. From Mr. Russell.

The CHAIRMAN. Mr. Russell, then, was there at that time, was he, when Mr. MacLean came in after those letters?

Miss STRINGHAM. No, I do not think so, but he told me. I think he came up to Marinette, and was there and told me about it. I got my information from Mr. Russell.

The CHAIRMAN. What did Mr. Russell tell you about it?

Miss STRINGHAM. He asked me about the files, and I told him they were in the Senator's vault for safe-keeping. He told me to have them taken out, and said that Mr. MacLean would come for them.

The CHAIRMAN. How long before Mr. MacLean came for them did Mr. Russell tell you this?

Miss STRINGHAM. I do not remember. I think it was not very long, but I do not remember.

The CHAIRMAN. It was the same day, was it not?

Miss STRINGHAM. That is not my impression, but I do not know.

The CHAIRMAN. We have this information, and let me see if I am correct: You received a letter that there was a box there. You went into the warehouse to ascertain whether it was there. The box was pointed out to you. It had been opened, and the contents remained in it. Under instructions you took out the letter files and a box of buttons and removed them to Senator Stephenson's office, and placed the letter files in the vault. They remained in the vault until you received instructions from Mr. Russell that Mr. MacLean would come for the letter files; and you then took them out of the vault and placed them on the table in Senator Stephenson's outer office. Mr. MacLean came there, and you were informed that he had a suit case; or do you know that yourself?

Miss STRINGHAM. I saw it.

The CHAIRMAN. He had a suit case and you turned the letter files over to him? You are informed that he took the letters from the files and put them in the suit case? Have I stated that correctly?

Miss STRINGHAM. Yes.

The CHAIRMAN. How long was it from the time you received these letter files in the office until the time Mr. MacLean took them away?

Miss STRINGHAM. Do you mean from the time I brought them in from the warehouse?

The CHAIRMAN. Yes.

Miss STRINGHAM. I do not remember.

The CHAIRMAN. Was it months or years or weeks?

Miss STRINGHAM. I think it was hardly years. I think it was several weeks, because at the time I first knew about the box it had not been brought up by the investigating committee, and I had not paid any attention to it.

The CHAIRMAN. Did you ever afterwards see that box about the warehouse or elsewhere—that is, after the time you took the letter files out of it?

Miss STRINGHAM. Not to my knowledge. I did not have occasion to go to the warehouse often for anything. I do not remember.

The CHAIRMAN. Did you ever see these papers, the contents of that box, or any part of it, after the time Mr. MacLean took the letters away?

Miss STRINGHAM. Not that I remember.

The CHAIRMAN. Did they not come back again from Escanaba to the warehouse?

Miss STRINGHAM. I do not know that. If they did, I did not see them.

The CHAIRMAN. Did you ever hear that they had been brought back to Marinette from Wells or Escanaba?

Miss STRINGHAM. I did not at the time. I do not know. They were never in my keeping again. I never saw them again. I do not know whether they were brought back. Of my own knowledge I do not know whether they were brought back or not.

The CHAIRMAN. Did anyone tell you they had been brought back? You see, from the confidential relation that you occupy, information that came to your knowledge from others is quite important for the committee to know. Did anyone tell you that those papers, or the box, or the contents of the box, had come back from Wells or Escanaba to Marinette?

Miss STRINGHAM. No; I do not think so. I understood the box was sent direct from Wells to Milwaukee. That is what I understood. I do not know whether it is correct or not; but I had no more connection with the box or the contents of the box.

The CHAIRMAN. That is the extent of your knowledge about the box?

Miss STRINGHAM. Yes.

The CHAIRMAN. I have no further questions for the present. I may want to recall this witness after examining Mr. MacLean and some others. I want to trace the physical presence of this box and its contents.

Mr. LITTLEFIELD. I understand the examination for the present is confined to that particular box?

The CHAIRMAN. Yes; that is what this morning was set apart for.

Mr. LITTLEFIELD. That is what I understood; so I shall not go into any other feature.

The CHAIRMAN. I understand, Miss Stringham, that you removed nothing but the letter files from this box?

Miss STRINGHAM. And this box of campaign buttons. I wanted to see them. That is all.

The CHAIRMAN. That is not a material matter. So you have no knowledge of what became of the contents of the box beyond the letter files and the campaign buttons?

Miss STRINGHAM. No; I do not know anything about it.

Senator POMERENE. Were these letters in filing cases?

Miss STRINGHAM. Yes. I do not know whether they all were or not, but there were several cases. I can not tell now how many there were, but there were quite a number.

Senator POMERENE. Did you take any of the letters out of those cases?

Miss STRINGHAM. No, sir.

Senator POMERENE. You put them in the vault?

Miss STRINGHAM. I stacked them up in the vault.

Senator POMERENE. Then you took them from the box?

Miss STRINGHAM. Intending later to have them taken back to the warehouse. I did not know at that time that they were of importance.

Senator POMERENE. Did Mr. Russell go through those letters and papers?

Miss STRINGHAM. Not to my knowledge. While they were in my care, no one handled them until Mr. MacLean came.

Senator POMERENE. What do you mean by being "in your care"? Do you include in that the time they were in the vault?

Miss STRINGHAM. Yes; the time I had them brought from the warehouse.

Senator POMERENE. Did Mr. MacLean go over these papers?

Miss STRINGHAM. Not there when I saw him. I do not think so.

Senator POMERENE. You gave him the original files in which those letters were kept?

Miss STRINGHAM. Yes; the files were stacked up there.

Senator POMERENE. Did he take the files with him?

Miss STRINGHAM. My remembrance is that he did not, but I would not want to say now.

Senator POMERENE. You would not want to say that he did not?

Miss STRINGHAM. I will not say that he did not.

Senator POMERENE. I understand you are qualifying your answer. Is it your recollection that he took the letters out of the filing cases and put them in the suit case?

Miss STRINGHAM. Yes; because he could not put the filing cases in the suit case. He could not carry them in any other way.

Senator POMERENE. How many of these letter files or packages were there?

Miss STRINGHAM. I do not know; five or six.

Senator POMERENE. Five or six, you say?

Miss STRINGHAM. I will not be positive. There were quite a number of them.

Senator POMERENE. Is it your judgment that there were that many?

Miss STRINGHAM. I should think so. That is my recollection.

Senator POMERENE. Or more?

Miss STRINGHAM. No; I do not believe there were more than that.

Senator POMERENE. You are speaking of the filing cases. Were there other packages of letters, etc., which were not in the filing cases?

Miss STRINGHAM. I do not remember seeing any. I did not take anything out of the box excepting, as I tell you, these filing cases and the buttons.

Senator POMERENE. I thought I understood you to say a little while ago that there were some others that were not in filing cases.

Miss STRINGHAM. I said there might have been. I do not remember about that. I looked through all that I thought contained the letters.

Senator POMERENE. Did Mr. MacLean at that time take anything with him other than this correspondence which you gave to him?

Miss STRINGHAM. I do not know whether he did or not.

Senator POMERENE. You spoke of this letter which you were requested to look for. Was it a matter pertaining to the campaign?

Miss STRINGHAM. I do not know what the letter was about. It was a letter from a certain person whose name I do not now recall. Whether it was a campaign matter or not I do not know. I think Mr. Lambeck made a mistake in telling me it would be found in that box. I think it was a letter that was written later, that bore a later date.

Senator POMERENE. What did Mr. Russell say to you about these letters and papers?

Miss STRINGHAM. I do not remember anything that he said, except instructing me to put them out so that Mr. MacLean could get them; that he would call for them.

Senator POMERENE. What did Mr. MacLean say to you when he came?

Miss STRINGHAM. I do not remember.

Senator POMERENE. What did you say to him?

Miss STRINGHAM. In regard to the letters?

Senator POMERENE. Yes.

Miss STRINGHAM. I do not remember that, except to indicate that the letter files were there.

Senator POMERENE. Do you know why these were sent to Wells?

Miss STRINGHAM. I did not inquire about that.

Senator POMERENE. Did Mr. Russell tell you why they were sent over?

Miss STRINGHAM. I do not remember.

Senator POMERENE. Did Mr. MacLean say to you why he was taking them over?

Miss STRINGHAM. Only under direction of the attorneys; that is all.

Senator POMERENE. Was that at the time the investigation was going on at Madison?

Miss STRINGHAM. I think it must have been; but I do not remember just the time.

Senator POMERENE. You have no way of fixing that date?

Miss STRINGHAM. No; I have not.

Senator POMERENE. I think that is all.

Mr. LITTLEFIELD. I have no questions for the present.

TESTIMONY OF ARTHUR H. LAMBECK.

ARTHUR H. LAMBECK, having been previously duly sworn, was examined and testified as follows:

The CHAIRMAN. You have been sworn?

Mr. LAMBECK. Yes.

The CHAIRMAN. Were you connected with the Stephenson headquarters in Milwaukee in 1908?

Mr. LAMBECK. I was.

The CHAIRMAN. During what time?

Mr. LAMBECK. For two months prior to the primary.

The CHAIRMAN. And afterwards?

Mr. LAMBECK. No; I was not. After that I was interested in the State campaign.

The CHAIRMAN. You were with the chairman of the Republican State central committee?

Mr. LAMBECK. I was with the secretary of the State central committee.

The CHAIRMAN. It has been stated that you were about the headquarters of the Stephenson campaign committee, and assisted in gathering up papers, letters, and documents, and placing them in a box. Is that true?

Mr. LAMBECK. That is true.

The CHAIRMAN. When was that done?

Mr. LAMBECK. That was done a few days after the primaries.

The CHAIRMAN. How many days, should you say?

Mr. LAMBECK. I should say within a week after the primaries.

The CHAIRMAN. Under whose instructions did you act?

Mr. LAMBECK. I do not know that I acted under any instructions.

The CHAIRMAN. You were not in charge of the headquarters; were you?

Mr. LAMBECK. No; I was not.

The CHAIRMAN. You must have acted under instructions.

Mr. LAMBECK. The reason I can recall for sending this material up to Senator Stephenson is—

The CHAIRMAN. Do not give that reason yet. I will ask that when I reach it. I want to know under whose instructions you acted in gathering up letters, papers, etc., and putting them in a box. Who told you to do it?

Mr. LAMBECK. I do not recall that anyone told me to put these letters and papers in a box.

The CHAIRMAN. Did you do that without anyone's suggesting that you do it?

Mr. LAMBECK. My best recollection is that I did.

The CHAIRMAN. Who got the box?

Mr. LAMBECK. I think I told the boy that we had in the office to go out and buy a box.

The CHAIRMAN. Did he do it?

Mr. LAMBECK. The box came there, and we sent it off.

The CHAIRMAN. Do not send that box out as yet. I am not ready to have it shipped. Confine yourself to a careful answer to the questions that I ask you. The box was brought into headquarters?

Mr. LAMBECK. Yes.

The CHAIRMAN. Do you know who brought it in?

Mr. LAMBECK. I do not.

The CHAIRMAN. Did you take charge of it when it came in?

Mr. LAMBECK. I do not remember the details.

The CHAIRMAN. I want you to remember about that. Did you take charge of that box when it came into headquarters?

Mr. LAMBECK. Yes.

The CHAIRMAN. How large a box was it? Describe it.

Mr. LAMBECK. I do not recall how big the box was.

The CHAIRMAN. Was it 12 feet square?

Mr. LAMBECK. No; it was not.

The CHAIRMAN. Or 2 feet square?

Mr. LAMBECK. I think it was larger than 2 feet square.

The CHAIRMAN. If you think it was larger than 2 feet square, you must have some knowledge of its size.

Mr. LAMBECK. I imagine it was the ordinary-sized case, about 2 feet high, and 3 or 4 feet long.

The CHAIRMAN. And about how wide?

Mr. LAMBECK. About a foot and a half or 2 feet wide.

The CHAIRMAN. Was it made of pine boards?

Mr. LAMBECK. I do not know the different kinds of wood when I see them.

The CHAIRMAN. You do not? You ought to have a place under the Forestry Service. Where did you get the things that you put in this box?

Mr. LAMBECK. The various materials? Right in the office.

The CHAIRMAN. In whose office?

Mr. LAMBECK. The Stephenson headquarters.

The CHAIRMAN. Which rooms?

Mr. LAMBECK. In the two rooms that we occupied.

The CHAIRMAN. Who are "we"?

Mr. LAMBECK. That the Stephenson committee occupied—the office force.

The CHAIRMAN. They had only two rooms?

Mr. LAMBECK. I will take that back. We had two rooms which were the offices, and then we had two or three more rooms where we had a great many of the help.

The CHAIRMAN. From what rooms did you get the material that you put in that box?

Mr. LAMBECK. From the outer office and the inner office occupied by Mr. Edmonds and Mr. Sacket.

The CHAIRMAN. Did you get any of that material in the room occupied by Mr. Sacket?

Mr. LAMBECK. I think we kept the letter files in Mr. Sacket's office.

The CHAIRMAN. Were they on a shelf or in a vault?

Mr. LAMBECK. During the day they would be on a table in his office, and at night they would be in the vault.

The CHAIRMAN. All the letter files?

Mr. LAMBECK. All the letter files.

The CHAIRMAN. You took them from the vault, did you, and put them in the box?

Mr. LAMBECK. I do not recall whether we packed the box in the vault or in one of the outer offices.

The CHAIRMAN. Somebody has testified that he saw this box as he passed in and out through a room. I think he said through the outer

room. See if you can remember whether this box was packed in the outer room, in the vault, or in the inner room.

Mr. LAMBECK. I do not see any reason why it could not have been put in the box——

The CHAIRMAN. I do not care anything about that. Just say whether you remember it.

Mr. LAMBECK. I do not remember it.

The CHAIRMAN. It may have been packed in the vault?

Mr. LAMBECK. It may have been.

The CHAIRMAN. To the best of your recollection, was it packed in the vault?

Mr. LAMBECK. I know we did some work in the vault there, cleaning up, and going over material, and we did some in the outer office.

The CHAIRMAN. Where did the box stand when the things were being put in it?

Mr. LAMBECK. I do not recall.

The CHAIRMAN. Was it changed from one place to another during the time it was being packed?

Mr. LAMBECK. It may have been.

The CHAIRMAN. Was it?

Mr. LAMBECK. I do not recall.

The CHAIRMAN. When did you first begin to pack it?

Mr. LAMBECK. I do not remember that.

The CHAIRMAN. Was it in April?

Mr. LAMBECK. No, it was within a week after the primaries.

The CHAIRMAN. Then it was after the primaries?

Mr. LAMBECK. Yes.

The CHAIRMAN. You do remember that it was after the primaries?

Mr. LAMBECK. Yes.

The CHAIRMAN. How long did you remain there after the primaries?

Mr. LAMBECK. I think we cleared out of there within two weeks after the primary day.

The CHAIRMAN. Did the box go out before that time?

Mr. LAMBECK. It did.

The CHAIRMAN. Who shipped the box?

Mr. LAMBECK. Either I or the office boy must have telephoned to the express company to call for it.

The CHAIRMAN. Did you ship the box?

Mr. LAMBECK. I was responsible for shipping that box.

The CHAIRMAN. You were responsible, and you did whatever was necessary?

Mr. LAMBECK. Yes.

The CHAIRMAN. Who made out the directions as to where the box was to be shipped?

Mr. LAMBECK. Do you mean the addressing of the box?

The CHAIRMAN. Who made out the directions? I will frame the language. To whom was the box to be shipped?

Mr. LAMBECK. It was done by either myself or the boy who was helping me.

The CHAIRMAN. Did you do it?

Mr. LAMBECK. I do not remember.

The CHAIRMAN. What were the directions?

Mr. LAMBECK. Simply, "Hon. I. Stephenson, Marinette, Wis."

The CHAIRMAN. Was it sent by freight or express?

Mr. LAMBECK. By express.

The CHAIRMAN. By what express company?

Mr. LAMBECK. I could not tell you whether it was the United States Express or the other express company.

The CHAIRMAN. What other have you?

Mr. LITTLEFIELD. We have a copy of the express receipt, if you would like to have it at this time.

The CHAIRMAN. I want the witness's memory. What other express company have you here?

Mr. LAMBECK. At that time we did not have the Wells Fargo, but we had another company. I can not recall the name of it.

The CHAIRMAN. There was another one?

Mr. LAMBECK. Yes. We shipped most of our goods by two companies.

The CHAIRMAN. Were you there when the box went out of the office?

Mr. LAMBECK. I do not recall whether I was actually there.

The CHAIRMAN. But you know it was shipped?

Mr. LAMBECK. I know it was shipped.

The CHAIRMAN. With that direction?

Mr. LAMBECK. Yes.

The CHAIRMAN. Is that the last you ever saw of its contents?

Mr. LAMBECK. That is the last I saw of its contents. I think I saw the box when I was up in Marinette in November.

The CHAIRMAN. Of what year?

Mr. LAMBECK. Of the same year, following the primaries.

The CHAIRMAN. November, 1908?

Mr. LAMBECK. November, 1908.

The CHAIRMAN. A month or two after you had shipped it?

Mr. LAMBECK. Yes.

The CHAIRMAN. Where was it?

Mr. LAMBECK. In the warehouse up at Marinette.

The CHAIRMAN. Had it been opened?

Mr. LAMBECK. I do not know whether it had been opened or not.

The CHAIRMAN. Did you have occasion to examine the box at that time?

Mr. LAMBECK. No; I did not.

The CHAIRMAN. Did you see the contents of it?

Mr. LAMBECK. No; I did not.

The CHAIRMAN. Either in the box or after they had been removed from the box?

Mr. LAMBECK. No; I did not.

The CHAIRMAN. So that you know nothing of the contents of that box from the time you shipped it from headquarters in Milwaukee up until this time?

Mr. LAMBECK. No, sir.

The CHAIRMAN. And you have never seen any of the contents up to this time?

Mr. LAMBECK. No; I have not.

The CHAIRMAN. Has anyone told you what was done with the contents of that box?

Mr. LAMBECK. No one has told me.

The CHAIRMAN. Can you say that the contents were still in the box as you had shipped it when you saw it at Marinette in October or November?

Mr. LAMBECK. No; I could not say. I wrote up to Senator Stephenson during the campaign, following the primaries, for two cases containing some cards on which were the names of the Stephenson workers. Whether those two cases were in that box I do not know; but I wrote up to Marinette for them, and they were sent to us here in the Plankinton House, where the State central committee had its headquarters.

The CHAIRMAN. How did you come to go to Marinette?

Mr. LAMBECK. After the campaign was over the Senator invited me up to Marinette.

The CHAIRMAN. To which campaign do you refer?

Mr. LAMBECK. The State central campaign.

The CHAIRMAN. You mean the regular State campaign?

Mr. LAMBECK. Yes.

The CHAIRMAN. After that was over, would it be in November?

Mr. LAMBECK. That would be in November; yes.

The CHAIRMAN. You say the Senator invited you up there. How did you happen to go to the warehouse?

Mr. LAMBECK. I remembered having put into this box a great deal of office material, and my recollection is that I asked Mr. Patrick whether they made use of any of that office material. He said he did not know anything about it, and, passing out of the office, he showed me the warehouse where the box was.

The CHAIRMAN. You saw the warehouse where the box was, and then you went to look at the box?

Mr. LAMBECK. I just took a glance at the box and went on.

The CHAIRMAN. Just for old acquaintance sake? Is that the last time you ever saw that box?

Mr. LAMBECK. That is the last I saw of the box.

The CHAIRMAN. Or of its contents?

Mr. LAMBECK. Or of its contents. I did not see the contents then.

The CHAIRMAN. Did you carry any material to the box and put it in the box when it was here in the headquarters?

Mr. LAMBECK. I believe I did.

The CHAIRMAN. Were you in general charge of the packing of that box?

Mr. LAMBECK. Yes.

The CHAIRMAN. What did you put in it?

Mr. LAMBECK. I put in all the cases containing the letters. I put in all the blank stationery we had left, a good many inkwells, rulers, letter baskets, and all kinds of office paraphernalia that we had around there.

The CHAIRMAN. You know I am referring to matters connected with the campaign, and not to inkwells and letter baskets. What material did you put in it in the way of campaign literature, letters, correspondence, card indexes, or memoranda?

Mr. LAMBECK. My recollection is I put in all of the letters.

The CHAIRMAN. And copies of letters?

Mr. LAMBECK. And copies of letters; yes. I do not recall putting in any campaign literature, unless——

The CHAIRMAN. Did you put in any memoranda containing data pertaining to the campaign?

Mr. LAMBECK. Not unless that was contained in the letter files.

The CHAIRMAN. Did you put in any statements of accounts of expenditures or disbursements?

Mr. LAMBECK. Not to my knowledge.

The CHAIRMAN. You did not unless they were in the letter files?

Mr. LAMBECK. Unless they were in the letter files, or in some package that was thrown in. I do not know anything about that.

The CHAIRMAN. That is, packages of loose, unclassified material?

Mr. LAMBECK. I do not recall having put in any packages of loose or unclassified material; and if it did get in there I do not know anything about it.

The CHAIRMAN. Memoranda or memorandum books?

Mr. LAMBECK. I do not think there were any memorandum books.

The CHAIRMAN. Were there any memoranda in there?

Mr. LAMBECK. No; I do not think so.

The CHAIRMAN. Have you seen this trunk that was brought into the court room?

Mr. LAMBECK. I have not.

The CHAIRMAN. That is all I have to ask.

Senator POMERENE. How many sets of letter files were there in the office?

Mr. LAMBECK. We had a large filing case, and then I think we had about a half dozen of the regular letter books.

Senator POMERENE. Was there a separate letter file for Mr. Edmonds and another one for Mr. Sacket?

Mr. LAMBECK. No; we had them all together. We had one girl, during the last few weeks, doing nothing but filing away letters and copies of letters.

Senator POMERENE. As I understand, then, all letters that came to the office and all replies thereto were put in one system of files?

Mr. LAMBECK. Yes, sir.

Senator POMERENE. There was not a separate filing system in Sacket's office and another one in Edmonds's office?

Mr. LAMBECK. No; we all used the same system.

Senator POMERENE. Did you go over these files and extract any letters from them?

Mr. LAMBECK. I did not.

Senator POMERENE. Did anybody else?

Mr. LAMBECK. Not to my knowledge.

Senator POMERENE. Did you see anybody go over these files and take out certain letters for Mr. Edmonds?

Mr. LAMBECK. I did not.

Senator POMERENE. Was Mr. McMahon there?

Mr. LAMBECK. I do not recall whether Mr. McMahon was there or not. He was in and out of the office. I do not recall whether he was there at that particular time or not.

Senator POMERENE. Did Mr. McMahon help you in packing this box?

Mr. LAMBECK. I do not recall whether he did or not. To my knowledge it was packed by the office boy and myself.

Senator POMERENE. Did you call McMahon the office boy?

Mr. LAMBECK. No; I did not.

Senator POMERENE. It is not your recollection that he helped in it?

Mr. LAMBECK. I do not remember whether he did or not. He might have. I do not know.

Senator POMERENE. Who told you to send this box up there?

Mr. LAMBECK. I do not remember whether Mr. Edmonds or Mr. Sacket told me.

Senator POMERENE. It was one of the two, was it?

Mr. LAMBECK. Probably it was one of the two. I also had a telephone conversation with Senator Stephenson about sending things up there.

Senator POMERENE. And he told you to do it?

Mr. LAMBECK. And he told me. I do not recall whether the conversation with Senator Stephenson referred to the letters; but it did refer, I remember definitely, to the lists of workers, the poll lists, and county and city directories that we had.

Senator POMERENE. That is, he expressly referred to those particular things, in his talk with you over the telephone?

Mr. LAMBECK. Yes; that is what he referred to. He wanted them.

Senator POMERENE. Did he make any reference to the letters or records of the office?

Mr. LAMBECK. I do not recall whether he did or not. I do not remember. I called him up specifically about these poll lists and lists of workers, and so on.

Mr. LITTLEFIELD. You say, after the box left the office you sent up for two card-index boxes, and they were returned to you?

Mr. LAMBECK. Yes.

Mr. LITTLEFIELD. How large were they?

Mr. LAMBECK. They were boxes just large enough to hold the cards, the regular index cards, I think, 3 by 5, or something like that.

Mr. LITTLEFIELD. How many cards were there in each box?

Mr. LAMBECK. About a thousand.

Mr. LITTLEFIELD. So that there were about 2,000 cards in the two card-index boxes which were returned to you?

Mr. LAMBECK. They were returned to us.

Mr. LITTLEFIELD (continuing). Which were originally placed in the box by you?

Mr. LAMBECK. I do not recall whether they were sent up separately or whether they were in this box. I do not recall that.

Mr. LITTLEFIELD. What is your best recollection about that?

Mr. LAMBECK. I have no recollection.

Mr. LITTLEFIELD. In any event, you sent up there for them, and they were returned to you?

Mr. LAMBECK. Yes.

Mr. LITTLEFIELD. And they were sent back to you?

Mr. LAMBECK. They were sent to the State central committee.

Mr. LITTLEFIELD. That was for use then in the State central campaign?

Mr. LAMBECK. That is what it was for.

Mr. LITTLEFIELD. Have you seen anything of those since?

Mr. LAMBECK. Yes; I saw them in Washington, when I was down in Washington.

Mr. LITTLEFIELD. You say there were county and city directories that Senator Stephenson wanted you to send up?

Mr. LAMBECK. They were included in the whole list of poll lists. We used them as mailing lists.

Mr. LITTLEFIELD. Do you remember how many county and city directories were placed in the box?

Mr. LAMBECK. I have not the least idea.

Mr. LITTLEFIELD. About how many were placed in there? All you had, I suppose?

Mr. LAMBECK. We put in the big poll list we had, and any other lists from which we mailed letters.

Mr. LITTLEFIELD. You say the big poll list, and you separate your hands about 2½ or 3 feet?

Mr. LAMBECK. Those are the poll lists you see fastened to the various election booths.

Mr. LITTLEFIELD. The large sheets?

Mr. LAMBECK. Yes.

Mr. LITTLEFIELD. Do you remember how many of these directories you had about the office during the campaign?

Mr. LAMBECK. I have not the least idea.

Mr. LITTLEFIELD. What I mean by that is, were there a dozen, for instance?

Mr. LAMBECK. I do not think there were more than a dozen.

Mr. LITTLEFIELD. There were about a dozen?

Mr. LAMBECK. I should even say—well, about a dozen, I should say.

Mr. LITTLEFIELD. And they were placed in this box?

Mr. LAMBECK. Yes, they were placed in this box.

Mr. LITTLEFIELD. There were blank letters placed in the box?

Mr. LAMBECK. Blank letters?

Mr. LITTLEFIELD. Yes, blanks; blank paper.

Mr. LAMBECK. Blank stationery; yes.

Mr. LITTLEFIELD. Did you have packages of it left over?

Mr. LAMBECK. To my knowledge we had some of it left over.

Mr. LITTLEFIELD. About how many packages?

Mr. LAMBECK. I do not remember.

Mr. LITTLEFIELD. What I mean by that is, did you have 2 or 3 or 8 or 10?

Mr. LAMBECK. I have not the least idea how many there were.

Mr. LITTLEFIELD. Whatever there was left in the shape of blank paper was put in the box?

Mr. LAMBECK. Anything that could be used I put into this box and sent it up to Marinette.

Mr. LITTLEFIELD. Was any loose correspondence placed in the box, or was it all in the pasteboard files?

Mr. LAMBECK. That I could not say, either, because I know that our filing cases soon became crowded, and that is one reason we got that big filing case. We used that for a while, and then went back to the letter books and used them. Whether or not there was an overflow of that I do not remember.

Mr. LITTLEFIELD. You do not remember whether or not there was any loose correspondence placed in the box?

Mr. LAMBECK. No; I do not remember that.

Mr. LITTLEFIELD. Is it not your recollection that the correspondence that was placed in the box was in the pasteboard letter files?

Mr. LAMBECK. Yes; to my knowledge it was all within those letter files.

Mr. LITTLEFIELD. That would be your judgment?

Mr. LAMBECK. Yes.

Mr. LITTLEFIELD. How many of these pasteboard letter files were placed in the box, so far as you remember?

Mr. LAMBECK. Besides the big filing box, I think there were about half a dozen of the regular letter books.

Mr. LITTLEFIELD. Yes. And the correspondence was all in those letter books?

Mr. LAMBECK. Yes.

Mr. LITTLEFIELD. What was the big filing box? A pasteboard box?

Mr. LAMBECK. According to my recollection, it was.

Mr. LITTLEFIELD. And, as a part of the paraphernalia of the office, that was also put in the box?

Mr. LAMBECK. Yes.

Mr. LITTLEFIELD. But the correspondence, as you say, was contained in something like half a dozen pasteboard file cases?

Mr. LAMBECK. I imagine there was some in this big filing box.

Mr. LITTLEFIELD. Do you recollect about that?

Mr. LAMBECK. I do not think I disturbed the matter at all. I think I took it the way it was and dumped it into the box.

Mr. LITTLEFIELD. Were there card indexes in the box?

Mr. LAMBECK. As I said before, I do not recall whether those two card indexes that we had were in that box, or whether I sent them up to Marinette in a separate package.

Mr. LITTLEFIELD. Was a letter scale put in the box?

Mr. LAMBECK. Yes; I think there was a scale on which we weighed letters.

Mr. LITTLEFIELD. Were there wire cases that had been used for holding papers on the desk?

Mr. LAMBECK. Wire baskets?

Mr. LITTLEFIELD. Yes.

Mr. LAMBECK. Yes, I think so.

Mr. LITTLEFIELD. About how many of those were there?

Mr. LAMBECK. I do not think we had more than three in the office.

Mr. LITTLEFIELD. And they all went in?

Mr. LAMBECK. They went in.

Mr. LITTLEFIELD. Do you have any recollection as to how many of these poll lists there were?

Mr. LAMBECK. We tried to get them from every city in the State.

Mr. LITTLEFIELD. And all that you had you put into the box?

Mr. LAMBECK. We put in everything that we had.

Mr. LITTLEFIELD. Were there any envelopes?

Mr. LAMBECK. If there were any blank envelopes around the headquarters, I think I put them in.

Mr. LITTLEFIELD. The fact about it is, then, that you scraped up everything there was in the office?

Mr. LAMBECK. Everything that I thought could be of use.

Mr. LITTLEFIELD. What proportion of the space in the box was occupied, would you say, by the correspondence? You can only approximate it, of course.

Mr. LAMBECK. My recollection is so vague as to the way that box was packed that I really could not make any estimate of that.

Mr. LITTLEFIELD. As to whether a quarter, or a third, or a half of the space was occupied by the correspondence itself, as distinguished from the other things?

Mr. LAMBECK. I should say probably about half was correspondence in the boxes.

Mr. LITTLEFIELD. You made no estimate at the time, I suppose?

Mr. LAMBECK. No, I did not.

Mr. LITTLEFIELD. All you state about it now is simply your indefinite recollection?

Mr. LAMBECK. That is all.

Mr. LITTLEFIELD. That is all.

Senator POMERENE. Did you destroy any papers?

Mr. LAMBECK. What kind of papers?

Senator POMERENE. My question is broad enough for you to answer.

Mr. LAMBECK. We sold a lot of junk we had around there in the shape of lithographs and some of the triangular Stephenson pennants that we distributed throughout the State; any old paper; anything we had around there.

Senator POMERENE. What do you mean by "old paper"?

Mr. LAMBECK. Well, wrappers in which literature had come, and probably some old literature that we used during the beginning of the campaign and had gathered around there in the vault.

Senator POMERENE. Did you sell any correspondence?

Mr. LAMBECK. Not any.

Senator POMERENE. Did you destroy any?

Mr. LAMBECK. Not to my knowledge.

Senator POMERENE. Did you sell any records?

Mr. LAMBECK. Not to my knowledge.

Senator POMERENE. Did you destroy any?

Mr. LAMBECK. No.

Senator POMERENE. Did you sell any cards?

Mr. LAMBECK. No, sir.

Senator POMERENE. Did you destroy any?

Mr. LAMBECK. No, sir.

Senator POMERENE. Did you see any destroyed?

Mr. LAMBECK. No, sir.

Senator POMERENE. Did you hear any instructions as to the destruction of any?

Mr. LAMBECK. No, sir.

Senator POMERENE. Do you mean to say that you did not or that you do not remember?

Mr. LAMBECK. I do not remember that I was instructed to destroy anything.

Senator POMERENE. That is another of the things that you do not remember about.

I think that is all.

The CHAIRMAN. You were there during the entire primary campaign?

Mr. LAMBECK. Yes.

The CHAIRMAN. Did you know of this periodical destruction of memoranda and cards showing expenditures?

Mr. LAMBECK. No, sir; I did not.

The CHAIRMAN. That never came to your notice at all?

Mr. LAMBECK. No.

The CHAIRMAN. Mr. Sacket did that within his own knowledge only?

Mr. LAMBECK. Yes, sir.

The CHAIRMAN. Did you ever know of the destruction of papers upon which memoranda were kept at any time, either in Mr. Sacket's department or in Mr. Edmonds's department?

Mr. LAMBECK. I do not remember anything of that kind.

The CHAIRMAN. I ask you if you know?

Mr. LAMBECK. No; I do not know.

The CHAIRMAN. If you do not know, say so.

Mr. LAMBECK. I do not know.

The CHAIRMAN. Did you ever know?

Mr. LAMBECK. No, sir.

The CHAIRMAN. You never saw any destruction of papers or memoranda?

Mr. LAMBECK. No, sir.

The CHAIRMAN. And yet you were there all the time?

Mr. LAMBECK. Yes.

The CHAIRMAN. These men both testified that they did destroy papers, from time to time, periodically; and you never knew about it?

Mr. LAMBECK. Of course I saw a lot of papers going into the wastebasket, correspondence, or, probably, a letter which was not satisfactorily written—

The CHAIRMAN. There is no use in your going into that rambling search for an answer.

Mr. LAMBECK. I do not remember anything.

The CHAIRMAN. I was asking whether they destroyed papers upon which memoranda or data were kept, and you commence to tell me about spoiled letters and things of that kind.

Have you any recollection on the subject as to whether or not data were destroyed from time to time, or at any time?

Mr. LAMBECK. No, sir.

The CHAIRMAN. All right.

Mr. LITTLEFIELD. In whose room did you do your work?

Mr. LAMBECK. I was in the outer office.

Mr. LITTLEFIELD. Who occupied the outer office?

Mr. LAMBECK. Besides my desk, Mr. Puls had an office there.

Mr. LITTLEFIELD. Was Mr. Sacket's desk in that room?

Mr. LAMBECK. No; it was not.

Mr. LITTLEFIELD. Were you with Mr. Sacket during the day while Mr. Sacket was doing his work?

Mr. LAMBECK. Very frequently.

Mr. LITTLEFIELD. You were not there continually? Your work was outside, was it not?

Mr. LAMBECK. My work was all around.

Mr. LITTLEFIELD. Did you have anything to do with the expense memoranda that Mr. Sacket kept?

Mr. LAMBECK. Not a thing.

Mr. LITTLEFIELD. You had no opportunity to see whether he did or did not destroy expense slips, did you?

The CHAIRMAN. The committee will take a recess until 2 o'clock.

Mr. LITTLEFIELD. I shall finish the cross-examination of this witness when we meet after the recess, Mr. Chairman.

(Whereupon, at 12 o'clock and 30 minutes p. m., the subcommittee took a recess until 2 o'clock p. m.)

AFTER RECESS.

The recess having expired, the subcommittee reassembled.

TESTIMONY OF CHARLES C. RUSSELL.

CHARLES C. RUSSELL, having been heretofore duly sworn, was examined and testified as follows:

The CHAIRMAN. You have been sworn?

Mr. RUSSELL. Yes.

The CHAIRMAN. Where do you reside?

Mr. RUSSELL. In Milwaukee.

The CHAIRMAN. What position do you occupy?

Mr. RUSSELL. I am an attorney in the employ of Cary, Upham & Black.

The CHAIRMAN. Do you know anything of a box said to contain the papers connected with the Stephenson campaign that was made up in the office of the Stephenson campaign committee at Milwaukee and afterwards shipped to Marinette?

Mr. RUSSELL. I know nothing in regard to the box except from hearsay.

The CHAIRMAN. Where did you first see it?

Mr. RUSSELL. I have never seen the box.

The CHAIRMAN. Have you seen its contents?

Mr. RUSSELL. I have seen what purport to be its contents.

The CHAIRMAN. What did you hear about the box?

Mr. RUSSELL. I have heard what was detailed here to-day, and I have heard there was such a box shipped.

The CHAIRMAN. Did you go to Marinette at any time in connection with that box or its contents?

Mr. RUSSELL. Yes.

The CHAIRMAN. Did you see Miss Stringham there?

Mr. RUSSELL. No, sir.

The CHAIRMAN. Whom did you see?

Mr. RUSSELL. I saw no one in Marinette. I saw Mr. MacLean in Menominee.

The CHAIRMAN. Where is that?

Mr. RUSSELL. Across the river from Marinette.

The CHAIRMAN. What did you see Mr. MacLean about?

Mr. RUSSELL. I told Mr. MacLean to go to the offices of Mr. Stephenson, and said that he would find there some files of letters or papers—I did not know the condition they were in—and he was to get them and take them to Wells and take care of them.

The CHAIRMAN. When was this?

Mr. RUSSELL. It was the 5th of March.

The CHAIRMAN. What year?

Mr. RUSSELL. 1909.

The CHAIRMAN. Why did you give that instruction?

Mr. RUSSELL. I was so instructed to do by Mr. Black.

The CHAIRMAN. Are you a member of the firm?

Mr. RUSSELL. No, sir.

The CHAIRMAN. You are an employee in the office?

Mr. RUSSELL. Yes, sir.

The CHAIRMAN. He sent you there to convey that message to Mr. MacLean. Did you understand that Mr. MacLean was the custodian of that box?

Mr. RUSSELL. No, sir.

The CHAIRMAN. Did you understand why you should give the instruction to Mr. MacLean any more than to any other man?

Mr. RUSSELL. I had telephoned to Mr. MacLean previously to that, according to instructions, to meet me in Menominee. I asked him to meet me there in the evening, and I was to ask him to get the contents of that box, the correspondence, and to take it to Wells.

The CHAIRMAN. You did that all under the instruction of Mr. Black?

Mr. RUSSELL. Yes, sir.

The CHAIRMAN. You never saw the box in Milwaukee?

Mr. RUSSELL. No, sir.

The CHAIRMAN. Nor in Marinette?

Mr. RUSSELL. No, sir.

The CHAIRMAN. Nor in Escanaba?

Mr. RUSSELL. No, sir.

The CHAIRMAN. Where did you see the contents of the box at any time?

Mr. RUSSELL. The first time I saw the contents of the box was on the 10th day of October.

The CHAIRMAN. Of what year?

Mr. RUSSELL. This year.

The CHAIRMAN. Where?

Mr. RUSSELL. Over a shed in the rear of the house of C. W. Kates, in Wells, Mich.

Mr. LITTLEFIELD. You say that is the first time you saw the contents of the box?

Mr. RUSSELL. Oh, except some correspondence. I take the word "correspondence"—I——

The CHAIRMAN. I will ask the reporter to read the statement of the witness.

The reporter read as follows:

Mr. RUSSELL. Over a shed in the rear of the house of C. W. Kates, in Wells, Mich.

The CHAIRMAN. Was it in the box or the trunk that was brought in here?

Mr. RUSSELL. Neither. It was tied up in gunny sacks.

The CHAIRMAN. You say the contents of the trunk that is here now were in gunny sacks?

Mr. RUSSELL. Yes.

The CHAIRMAN. And in a shed or in a loft over a shed?

Mr. RUSSELL. There are three or four sheds back of his house. One of them he uses for a garage. I can not tell what he uses them for. There is a row of three or four sheds back of his house.

The CHAIRMAN. Where was this with reference to the sheds?

Mr. RUSSELL. Up on the second story of one of the sheds.

The CHAIRMAN. A finished story?

Mr. RUSSELL. No; not exactly finished.

The CHAIRMAN. It is the garret of a shed?

Mr. RUSSELL. Yes.

The CHAIRMAN. Is it floored?

Mr. RUSSELL. Yes.

The CHAIRMAN. How did you approach it? By a regular pair of stairs, or did you go up by a ladder?

Mr. RUSSELL. I went up on a ladder.

The CHAIRMAN. And through a manhole in the floor above?

Mr. RUSSELL. Yes; an open hole.

The CHAIRMAN. And there you found these gunny sacks. Was it light up there or was it dark?

Mr. RUSSELL. It was not very dark. You could see them easily enough.

The CHAIRMAN. There was a window up there, was there?

Mr. RUSSELL. I could not state positively.

The CHAIRMAN. You saw some gunny sacks there?

Mr. RUSSELL. Yes.

The CHAIRMAN. What did you do when you saw these gunny sacks?

Mr. RUSSELL. I helped to lower them down to the floor below.

The CHAIRMAN. Did you know that the contents of this box had been placed in gunny sacks before you went there? Were you told that?

Mr. RUSSELL. I was told that the contents of that box had been taken to Wells.

The CHAIRMAN. Did you understand that the contents had been placed in gunny sacks when taken out of the box?

Mr. RUSSELL. No, sir.

The CHAIRMAN. What did you understand about it? When was it put in the gunny sacks?

Mr. RUSSELL. I understood that the contents of the box were taken from Marinette. I did not know how they were taken.

The CHAIRMAN. In what were they taken?

Mr. RUSSELL. I did not know in what they were taken.

The CHAIRMAN. Did you understand who took away the contents?

Mr. RUSSELL. Yes.

The CHAIRMAN. Who?

Mr. RUSSELL. Mr. MacLean and Mr. Kates.

The CHAIRMAN. They are here in attendance?

Mr. RUSSELL. Yes; they are here in attendance.

The CHAIRMAN. When you found the gunny sacks you lowered them down. Then what did you do?

Mr. RUSSELL. I took the contents out of the gunny sacks and put them in the trunk.

The CHAIRMAN. Where did you get the trunk?

Mr. RUSSELL. Mr. Kates produced the trunk.

The CHAIRMAN. On the premises?

Mr. RUSSELL. Yes; from his house.

The CHAIRMAN. And that was the introduction of the trunk?

Mr. RUSSELL. Yes.

The CHAIRMAN. What have you known about that trunk since that time?

Mr. RUSSELL. Mr. Kates and I put the contents of the gunny sacks in the trunk and locked it up and put a rope around it.

The CHAIRMAN. Did you put everything in the trunk that was in gunny sacks?

Mr. RUSSELL. Yes.

The CHAIRMAN. Did you bring down all the gunny sacks that were up there?

Mr. RUSSELL. I could not state that positively. Some of the gunny sacks, I think, are over at the building.

The CHAIRMAN. What building?

Mr. RUSSELL. The Wells Building.

The CHAIRMAN. Oh; the gunny sacks that you brought down from up there?

Mr. RUSSELL. I think we used some of them to lay in on top, to keep the stuff from jarring around.

The CHAIRMAN. I speak of the gunny sacks with their contents.

Mr. RUSSELL. I took out the contents. You could not pack them otherwise.

The CHAIRMAN. Did you bring all of the gunny sacks from this loft over the shed? Did you bring all of the gunny sacks or their contents from that shed?

Mr. RUSSELL. I believe I brought all the contents; but whether we brought all of the gunny sacks, using them to fill in, I could not positively state.

The CHAIRMAN. You took the contents of the gunny sacks out of of the gunny sacks and put them into the trunk?

Mr. RUSSELL. Yes; in order to pack it.

The CHAIRMAN. Then you brought the trunk on. How did you bring it?

Mr. RUSSELL. No; I did not bring it. We locked the trunk and tied it with a rope and took it in Mr. Kates's automobile to the American Express office in Escanaba.

The CHAIRMAN. You went with it?

Mr. RUSSELL. Yes.

The CHAIRMAN. And you shipped it to Milwaukee?

Mr. RUSSELL. Yes.

The CHAIRMAN. To whom did you address it?

Mr. RUSSELL. To Cary, Upham & Black.

The CHAIRMAN. When was that?

Mr. RUSSELL. That was on the evening of the 10th.

The CHAIRMAN. Was any examination made of the contents of these gunny sacks?

Mr. RUSSELL. At Wells?

The CHAIRMAN. Yes.

Mr. RUSSELL. Not to my knowledge. I think Mr. Kates assisted me, and we took the stuff out of the sacks and put it in the trunk.

The CHAIRMAN. Without examining it?

Mr. RUSSELL. Without examining it; yes, sir.

The CHAIRMAN. Then they were not opened until they reached the law office in this city?

Mr. RUSSELL. I believe they were not.

The CHAIRMAN. Have you the date of the shipment? Have you the shipping bills?

Mr. RUSSELL. No; I have not.

The CHAIRMAN. Was not that here this morning?

Mr. LITTLEFIELD. No. The shipping bill to which I called attention was the express receipt showing the starting of the box from Milwaukee to Marinette. He has that.

The CHAIRMAN. What was that date?

Mr. RUSSELL. September 5, 1908 [producing paper].

The CHAIRMAN. Let that be put in evidence.

Mr. RUSSELL. I should like to ask if a copy of this can be made, as I went to the American Express office and asked leave to go to their old files and get it, and I want to return the original.

The CHAIRMAN. The original can be returned. It will be marked by the reporter for identification.

(The reporter marked the paper referred to "Exhibit Russell No. 1, October 26, 1911, for identification." Said paper is as follows:)

CHARGES 312.

SEPT. 5, 1908.

R. Marinette.

Bx. I. Stephenson, 200, 2.50.

Mr. RUSSELL. I will state that I was told the box was shipped from Milwaukee probably about the first part of September. I went to the American Express Co., and they sent me to their barns, where all of their old receipts for years back are stored. I searched through the files for the month of September, and I found this receipt, or, rather, this duplicate of a shipping bill. As I understand it, it is a carbon copy.

The CHAIRMAN. It indicates the date of the shipment?

Mr. RUSSELL. As I understand, it indicates the property shipped, the date of the shipment, to whom consigned, the weight, and the amount of the express charges.

The CHAIRMAN. On what date did you send the trunk down here?

Mr. RUSSELL. October 10, 1911.

The CHAIRMAN. That is the trunk that was brought into the court room?

Mr. RUSSELL. Yes; I assume so. I saw it brought from the office over here. I did not see it in the court room.

The CHAIRMAN. You know nothing of the contents of either the box or the trunk?

Mr. RUSSELL. Yes.

The CHAIRMAN. You do?

Mr. RUSSELL. Yes.

The CHAIRMAN. Have you gone through the contents of this trunk since it arrived in Milwaukee?

Mr. RUSSELL. I would not say that I have gone through it. I have seen the contents.

The CHAIRMAN. "Gone through it" is a legitimate term.

Mr. RUSSELL. There are some card indexes that I saw there. They were in paper envelopes. The envelopes were broken, and I got another box and put a string around it. There were other card indexes in there that were tied together with strings—little packages. I took those, and I think I made them into two bundles and tied them up with strings.

The CHAIRMAN. Was anything removed from the trunk?

Mr. RUSSELL. Yes; it was all removed from the trunk.

The CHAIRMAN. I mean, removed from the trunk and retained?

Mr. RUSSELL. No, sir; not to my knowledge, except there are at the office five or six ink bottles and an old typewriter ribbon.

The CHAIRMAN. I refer to papers.

Mr. RUSSELL. No, sir; nothing to my knowledge.

The CHAIRMAN. You would know if there had been?

Mr. RUSSELL. I believe I would; yes, sir.

Senator POMERENE. You heard Miss Stringham testify this morning?

Mr. RUSSELL. Yes.

Senator POMERENE. Is she mistaken in her statement that she had received instructions from you?

Mr. RUSSELL. No; she is not mistaken.

Senator POMERENE. You saw her in the office?

Mr. RUSSELL. No; I came with Miss Stringham from Madison to Milwaukee. She was on the train.

Senator POMERENE. When?

Mr. RUSSELL. I believe it was the 3d day of March.

Senator POMERENE. And then is when you gave her instructions?

Mr. RUSSELL. I do not know that I gave her instructions. I simply stated to her that I had been told to go to Marinette to see Mr. MacLean and have him go to the office and get this correspondence. We talked over the matter. I can not state the exact words of the conversation.

Senator POMERENE. What did you instruct her to do with it?

Mr. RUSSELL. I can not say that I instructed her to do anything. The general purport of the conversation was that if possible she would leave it somewhere where Mr. MacLean could get it if he came and called for it—practically as Miss Stringham stated it this morning.

Senator POMERENE. Who is Mr. MacLean?

Mr. RUSSELL. He is the general superintendent of the I. Stephenson Co., at Wells, Mich.

Senator POMERENE. Did you and he get there together?

Mr. RUSSELL. No; I got in there about 10.25 o'clock at night. His train came in from the north a few minutes after. We went to a hotel in Menominee, and stayed there overnight.

Senator POMERENE. Why did you go up to Menominee to meet him?

Mr. RUSSELL. I was so instructed.

Senator POMERENE. For any reason?

Mr. RUSSELL. I do not know any special reason.

Senator POMERENE. Could you not have telegraphed or telephoned to him?

Mr. RUSSELL. Yes; I presume I could.

Senator POMERENE. Why did you not do that?

Mr. RUSSELL. I was told to go there.

Senator POMERENE. Do you know for what reason?

Mr. RUSSELL. Not any more than to make certain of it. That is all that I can see.

Senator POMERENE. Or to better conceal it?

Mr. RUSSELL. I can not say.

Senator POMERENE. And did Mr. MacLean report to you?

Mr. RUSSELL. No, he did not report to me. I saw him afterwards.

Senator POMERENE. Did you speak to him about it?

Mr. RUSSELL. Yes.

Senator POMERENE. What did he say to you?

Mr. RUSSELL. I could not tell you what he said, in words.

Senator POMERENE. Give us the substance of it.

Mr. RUSSELL. That he had gone to Miss Stringham's office or to Mr. Stephenson's offices and had found some files on a chair, that he

could not carry the files, so he had taken the contents of the files and put them in a dress suit case and carried them to Wells.

Senator POMERENE. That is, he took the contents of the letter files?

Mr. RUSSELL. Yes.

Senator POMERENE. Where did those letter files come from?

Mr. RUSSELL. I can not tell you where they came from. I found them in Wells on the 10th of this month and brought them down here.

Senator POMERENE. You do not mean that the letter files that are here are the letter files that Miss Stringham had originally put in the vault up there?

Mr. RUSSELL. I assume they are the same. I have no knowledge in regard to it.

Senator POMERENE. What would be the object of taking the letters out of the letter files?

Mr. RUSSELL. I just stated that Mr. MacLean said he could not carry the files; that they were too bulky.

Senator POMERENE. Who did take the files then?

Mr. RUSSELL. I infer that the files were taken when the contents of the box were taken to Wells.

Senator POMERENE. Then do I understand that there was a shipment of the box and contents other than the letters, separate and apart from the letters?

Mr. RUSSELL. There was never a shipment of the box. As I just stated here, the contents of the box were taken to Wells, and I got them in Wells and shipped them down here in this trunk.

Senator POMERENE. In what were they put?

Mr. RUSSELL. In gunny sacks.

Senator POMERENE. And did they leave Marinette in that condition?

Mr. RUSSELL. I understand so; yes, sir.

Senator POMERENE. In these gunny sacks?

Mr. RUSSELL. Yes, sir.

Senator POMERENE. In the letter files?

Mr. RUSSELL. In the letter files; yes, sir.

Senator POMERENE. And they were all put in gunny sacks?

Mr. RUSSELL. I say that the other day I found in the trunk everything that was in gunny sacks in Wells.

Senator POMERENE. Were the letters in files when you found the gunny sacks in this loft over the shed in the rear of Mr. Kates's house?

Mr. RUSSELL. Yes.

Senator POMERENE. All of the letters, memoranda, and files that pertained to the Stephenson election, so far as you know, are here?

Mr. RUSSELL. I think they are.

Senator POMERENE. Have you any knowledge of any letters, records, cards, accounts, letter books, or other documentary evidence pertaining to this election other than those contained in the trunk which were brought here to the committee?

Mr. RUSSELL. I have knowledge of some letters that in a certain way may pertain to the election. The election covered November.

Senator POMERENE. What letters do you mean?

Mr. RUSSELL. Letters that Mr. Black presented here in the committee the other day.

Senator POMERENE. Do you mean the letter book and the check book which were presented here in a package?

Mr. LITTLEFIELD. It was a letter book and letters, Senator, which I offered to put in.

Senator POMERENE. It was not opened.

Mr. LITTLEFIELD. You did not allow me to open it.

Senator POMERENE. I understand that. I am simply inquiring about it.

Mr. LITTLEFIELD. Surely.

Senator POMERENE. With the exception of these now referred to, do you have knowledge of any others?

Mr. RUSSELL. No, sir.

Senator POMERENE. Do you know from where these letters came?

Mr. RUSSELL. Yes.

Senator POMERENE. From where did they come?

Mr. RUSSELL. I brought them from Wells to Milwaukee.

Senator POMERENE. Were these contained in the gunny sacks?

Mr. RUSSELL. No, sir.

Senator POMERENE. Where were they?

Mr. RUSSELL. There were letters there that Mr. MacLean had, with the correspondence; and I brought those letters to Milwaukee.

Senator POMERENE. Where did he get those, if you know?

Mr. RUSSELL. I assume that he carried them from Marinette to Wells.

Senator POMERENE. Were they originally a part of these files?

Mr. RUSSELL. I believe not. I can not state positively.

Senator POMERENE. Why are they separate and apart from the others?

Mr. RUSSELL. Because they were separate and apart when I saw them.

Senator POMERENE. Where did he have them?

Mr. RUSSELL. They were at his house in Wells. I have not looked at the dates, but I would state that most of these letters are dated subsequent to the primary election.

Mr. LITTLEFIELD. When did you get them?

Mr. RUSSELL. I got them in March, 1909.

Senator POMERENE. Do we understand you got those letters in March, 1909?

Mr. RUSSELL. Yes.

Senator POMERENE. From Mr. MacLean?

Mr. RUSSELL. Yes.

Senator POMERENE. At Wells?

Mr. RUSSELL. Yes, sir.

Senator POMERENE. Was that in connection with the hearing at Madison?

Mr. RUSSELL. No, sir. I do not know what you mean by "in connection with the hearing."

Senator POMERENE. The investigation.

Mr. RUSSELL. I was at Wells in March, and I saw this correspondence there at Wells. I looked it over, and this bundle of letters—

Mr. LITTLEFIELD. For what purpose did you go there?

Mr. RUSSELL. I went up there to look at these letters, to see the nature of the correspondence which had been carried from Marinette to Wells.

Senator POMERENE. And at that time you went through what now constitutes the contents of this trunk?

Mr. RUSSELL. No, sir; simply the correspondence.

Senator POMERENE. Did you go through the correspondence that is in the trunk?

Mr. RUSSELL. I looked at what there was there. I can not say that it was all of this. There may be some correspondence which——

Senator POMERENE. You aimed to go over it all, did you?

Mr. RUSSELL. No. I aimed to look at it and see, in a general way, what the nature of the correspondence was.

Senator POMERENE. At that time was this correspondence, which is now in the possession of counsel here, separate and apart from the rest of it?

Mr. RUSSELL. In a way it was. It was all there together, but this bundle of letters here consists of letters to Mr. Stephenson, and they are dated, practically all of them, as I remember, after the November election. A large number of them are dated after November, 1909. They could not possibly have been in the trunk.

Senator POMERENE. They are dated after November, 1909, you say?

Mr. RUSSELL. 1908.

Mr. BLACK. You mean they could not have been in the box?

Mr. RUSSELL. Yes. They could not possibly have been in the box. At least, I gathered so.

Senator POMERENE. In other words, they were all letters written subsequent to the primary?

Mr. RUSSELL. I will not say that they were all written subsequent to the primary. I have not examined the dates for some time. Those letters have been in my possession ever since that time, in my private drawer in the vault in the Wells Building—in the office vault in the Wells Building.

Senator POMERENE. I think that is all.

Mr. LITTLEFIELD. At the time you examined the correspondence and got this roll of letters, was it then in gunny sacks?

Mr. RUSSELL. No, sir.

Mr. LITTLEFIELD. It was found in the gunny sacks after the second trip?

Mr. RUSSELL. I found it in gunny sacks on the 11th of this month, or the 10th of this month.

Mr. LITTLEFIELD. Yes. Do you say that the letters you found in the gunny sacks were in files when you found them in the sacks?

Mr. RUSSELL. Yes.

Mr. LITTLEFIELD. What do you mean by that? What sort of files were they in?

Mr. RUSSELL. They are ordinary pasteboard letter files, I assume. They open on the end, and the cover lifts up.

Mr. LITTLEFIELD. Were they alphabetically arranged?

Mr. RUSSELL. No, sir; they were not.

Mr. LITTLEFIELD. That is, they were in these pasteboard cases, called files?

Mr. RUSSELL. Yes, sir.

Mr. LITTLEFIELD. But they were disarranged, as to alphabetical order?

Mr. RUSSELL. To a large extent, yes, sir.

Mr. LITTLEFIELD. Were they in the same condition, as to alphabetical order, as they were when they reached your office in the trunk?

Mr. RUSSELL. Yes, sir.

Mr. LITTLEFIELD. Did you give any instructions to Mr. MacLean with reference to whether or not the correspondence and papers should be preserved?

Mr. RUSSELL. I told him to take it and take care of it.

Mr. LITTLEFIELD. As I understand it, the letters are now arranged in alphabetical order?

Mr. RUSSELL. Yes.

Mr. LITTLEFIELD. Where was that done?

Mr. RUSSELL. In the office of Cary, Upham & Black.

Mr. LITTLEFIELD. That was done the day this trunk came over here?

Mr. RUSSELL. I think it was the same day the trunk came over here.

Mr. LITTLEFIELD. After the trunk reached your office, it was in one of the small offices in the suite that is occupied by the firm?

Mr. RUSSELL. Yes.

Mr. LITTLEFIELD. Did you have charge of the care of the trunk?

Mr. RUSSELL. In a general way. It was there, and I saw to it that the door was closed and kept closed. I had an eye on it, in a general way.

Mr. LITTLEFIELD. Did you withdraw any letters from the files or from the correspondence as you found it in March, 1909?

Mr. RUSSELL. No, sir.

Mr. LITTLEFIELD. Did you withdraw any letters from the files or the correspondence as you found it in the gunny sacks in 1911?

Mr. RUSSELL. No, sir. I assume that by the word "withdraw" you mean to ask whether I took any letters from it?

Mr. LITTLEFIELD. Yes. That is what I mean. Did you take any of them out, so that they could not be presented to this committee?

Mr. RUSSELL. No, sir.

Mr. LITTLEFIELD. So far as you know, then, the files are intact as they were when they left Milwaukee for Marinette?

Mr. RUSSELL. Yes, sir.

Mr. LITTLEFIELD. So far as you have any knowledge?

Mr. RUSSELL. Yes; with the exception, I would say, that I think in that roll I saw one carbon copy of a letter that I might have picked up, in picking up these others. I noticed the other day there is a carbon copy in this roll.

Mr. LITTLEFIELD. That may belong in the files?

Mr. RUSSELL. That may belong in the files.

Mr. LITTLEFIELD. Were the letters arranged in alphabetical order in the office, under your direction?

Mr. RUSSELL. Yes, sir.

Mr. LITTLEFIELD. Do you know how that carbon came in the bundle that you brought down?

Mr. RUSSELL. No; unless I must have picked it up by mistake when I took these letters. I noticed it here the other day.

Mr. LITTLEFIELD. Was anything taken from these files while they were being sorted?

Mr. RUSSELL. I firmly believe not. I carefully looked around the room to see if anything was there.

Mr. LITTLEFIELD. So that, to the best of your knowledge, the trunk now contains all of the correspondence?

Mr. RUSSELL. As far as I know.

Mr. LITTLEFIELD. Were the poll lists in the trunk?

Mr. RUSSELL. Yes, sir.

Mr. LITTLEFIELD. They were the poll lists that you took from the gunny sacks?

Mr. RUSSELL. Yes, sir.

Mr. LITTLEFIELD. Had you seen the poll lists before you saw them in the gunny sacks?

Mr. RUSSELL. Yes.

Mr. LITTLEFIELD. Where did you see them?

Mr. RUSSELL. I saw them in Wells.

Mr. LITTLEFIELD. At the time you were there examining the correspondence?

Mr. RUSSELL. Yes, sir.

Mr. LITTLEFIELD. That is all.

Senator POMERENE. Where were these papers, documents, etc., at the time you went to examine them in Wells?

Mr. RUSSELL. In Mr. MacLean's house.

Senator POMERENE. They were later moved to Mr. Kates's shed loft?

Mr. RUSSELL. Yes, sir.

Mr. LITTLEFIELD. Do you mean to be understood as saying they were moved from Mr. MacLean's house to Mr. Kates's house?

Mr. RUSSELL. Not from Mr. MacLean's house to Mr. Kates's house directly.

Mr. LITTLEFIELD. State what the facts are.

Mr. RUSSELL. The correspondence that was in Mr. MacLean's house, and the poll lists, were taken back to Marinette; and later—I can not fix the date, but my best belief is that it was some time in May—it was taken in the gunny sacks from Marinette to Wells.

Mr. LITTLEFIELD. That was in May, 1909?

Mr. RUSSELL. In May, 1909.

Mr. BLACK. When was it brought back to Marinette?

Mr. RUSSELL. I believe it was on the 5th day of April, 1909.

Mr. LITTLEFIELD. So far as you know, did Senator Stephenson know anything about the carrying of the correspondence from Marinette to Wells?

Mr. RUSSELL. No, sir.

Mr. LITTLEFIELD. And from Wells back to Marinette and then back again to Wells?

Mr. RUSSELL. No, sir.

Mr. LITTLEFIELD. That is all.

The CHAIRMAN. Have you added another journey to this correspondence? Let us check that.

First, you say, it went from Milwaukee to Marinette, in a box, and that it was taken from there, you are informed, to Wells. Or was it taken to Escanaba?

Mr. RUSSELL. As Mr. Black stated this morning—

The CHAIRMAN. I want you to account for this. I think you have mentioned an extra trip that this correspondence had, and I want to see about that.

Mr. RUSSELL. No, sir. It is rather hard, Senator, to answer your question. If you desire me to do so, I will state the history of the thing in chronological order.

The CHAIRMAN. Do so.

Mr. RUSSELL. I met Mr. MacLean in Menominee.

The CHAIRMAN. When?

Mr. RUSSELL. March 4, 1908.

The CHAIRMAN. Where is Menominee—

Mr. LITTLEFIELD. In 1908, you say?

Mr. RUSSELL. I should have said in 1909.

The CHAIRMAN. I want to straighten this out geographically. Where is Menominee?

Mr. RUSSELL. Across the river from Marinette. Marinette is in Wisconsin and Menominee is in Michigan.

The CHAIRMAN. That is across the river from Escanaba?

Mr. RUSSELL. From Marinette.

The CHAIRMAN. That is in Michigan, you say?

Mr. RUSSELL. In Michigan; yes, sir.

The CHAIRMAN. How far is that from Escanaba?

Mr. RUSSELL. I believe it is about 65 miles.

The CHAIRMAN. It is not in the same part of the State, then.

Mr. RUSSELL. No, sir.

The CHAIRMAN. Now proceed.

Mr. RUSSELL. I told Mr. MacLean to go to Mr. Stephenson's offices and get some correspondence which I understood was in file cases, and to take it to Wells. He went and got it and took it to Wells. Part of this is hearsay that I am stating now. It is not from my own knowledge, but what I have been informed. He took it to Wells, and I afterwards saw it in his house at Wells. From there, on April 5, Mr. MacLean took that correspondence back to Marinette, and I am informed by him that he took it back into the offices where he got it, and put it back in the files.

The CHAIRMAN. That is, at Marinette?

Mr. RUSSELL. At Marinette, yes.

The CHAIRMAN. In Senator Stephenson's office?

Mr. RUSSELL. Yes; in a suite of offices there. He has several offices there. It stayed there, as I believe, until some time in May.

The CHAIRMAN. Was it then in gunny sacks, boxes, or—

Mr. RUSSELL. No, sir. Some time in May I telephoned to Mr. MacLean from Milwaukee to go to Marinette; I can not remember the words that I used, but I told him to get that stuff, or something of that kind. Mr. MacLean went down with Mr. Kates, and instead of taking the correspondence, they took everything that was in the box. They emptied it into these gunny sacks, and took everything to Wells.

Mr. LITTLEFIELD. Instead of taking the correspondence alone?

Mr. RUSSELL. Yes. Instead of taking the correspondence alone; as they informed me, they took everything that was in the box.

Mr. LITTLEFIELD. Correspondence and all?

Mr. RUSSELL. Correspondence and all. And that is what I found in Wells on the 10th of this month, and shipped down here to Milwaukee.

The CHAIRMAN. Were these letters in the letter files with the letters that are now in the box, when you got them?

Mr. RUSSELL. They were not in the files, no, sir.

The CHAIRMAN. Where were they?

Mr. RUSSELL. They were with this correspondence that Mr. MacLean took out of the files at Marinette and carried to Wells.

The CHAIRMAN. What do you mean by "with"? Were those letters rolled up as they are now?

Mr. RUSSELL. I can not state positively. They were separate.

The CHAIRMAN. I am now referring to the roll said to contain letters to Senator Stephenson as distinguished from the letters in the trunk——

Mr. RUSSELL. Yes.

The CHAIRMAN. These letters in the roll having been brought into the hearing by Mr. Black.

Mr. RUSSELL. Yes, sir.

The CHAIRMAN. Where were those letters when you brought them from Escanaba or Wells?

Mr. RUSSELL. They were in some sort of a package with this other correspondence. When I saw them, I saw plainly enough that they were not a part of the other correspondence, because they were all dated, I believe, subsequent to the closing of the primary campaign.

The CHAIRMAN. Were they separate and apart in a package from the other correspondence?

Mr. RUSSELL. They were not mixed in with it.

The CHAIRMAN. Were they separate and apart from it?

Mr. RUSSELL. Yes, sir; I believe they were.

The CHAIRMAN. Tell the actual fact about it, as to whether they were tied up with them in a package, separate only by reason of the fact that they were not mixed with them.

Mr. RUSSELL. There was nothing tied up. The greater part of the correspondence, I believe, was in a dress-suit case.

The CHAIRMAN. When you saw it?

Mr. RUSSELL. Yes.

The CHAIRMAN. It had not been placed into the gunny sacks yet?

Mr. RUSSELL. It was not placed in the gunny sacks for some months afterwards, as I understand it.

The CHAIRMAN. It remained in a dress-suit case?

Mr. RUSSELL. Mr. MacLean took it to Wells on, I believe, March 4, in a dress-suit case. When I saw it, it was in a dress-suit case, and I am inclined to believe that it stayed in the dress-suit case until he took it back to Marinette on the 5th of April, about a month afterwards.

The CHAIRMAN. Did he take it back there under instructions which you conveyed to him?

Mr. RUSSELL. Yes, sir.

The CHAIRMAN. Why did you instruct him to take it back to Marinette?

Mr. RUSSELL. Mr. Black instructed me to so instruct him.

The CHAIRMAN. You were merely acting under instructions?

Mr. RUSSELL. Yes.

The CHAIRMAN. Then it was sent back in the dress-suit case to Marinette. When was it placed in the gunny sacks?

Mr. RUSSELL. It was placed in the gunny sacks when Mr. MacLean and Mr. Kates, some time in May, went down to Marinette, on telephonic instructions from me, to get that stuff and take it back to Wells.

The CHAIRMAN. To take it out of the State of Wisconsin?

Mr. RUSSELL. Yes, sir. That would necessarily mean that; yes.

The CHAIRMAN. And into the State of Michigan?

Mr. RUSSELL. Yes, sir.

The CHAIRMAN. And it remained there in gunny sacks until you found it there on the occasion of your trip?

Mr. RUSSELL. I assume so. I found it there in the gunny sacks.

The CHAIRMAN. Up in the loft over this shed?

Mr. RUSSELL. Yes, sir.

The CHAIRMAN. Was anything else up there besides these gunny sacks?

Mr. RUSSELL. I did not look around much. I saw other things up there. I can not tell you what they were. Mr. Kates went up ahead of me. I followed him up there, and he said: "Why, here it is."

The CHAIRMAN. Was there a ladder already up to this loft?

Mr. RUSSELL. Yes; there was a stationary ladder there.

The CHAIRMAN. What was kept in this shed?

Mr. RUSSELL. I did not look around very much. There was some wood downstairs, and if I am not mistaken there was a bedstead there. It was the kind of building, I imagine, that was there to be used for storage—used for almost any purpose.

The CHAIRMAN. Was the bedstead set up?

Mr. RUSSELL. No. I may be mistaken about that. That is my recollection.

The CHAIRMAN. Against what would this shed lean? Do you mean that it was a lean-to?

Mr. RUSSELL. No.

The CHAIRMAN. The term "shed" is applied to a building that is attached to another building.

Mr. RUSSELL. There is a row of three buildings, I believe. One of them is a garage. They are all attached together in a row. One is where he keeps his automobile; another is empty, where he kept a former automobile, a small one; and next to that is what I would call his woodshed.

The CHAIRMAN. Has it a roof that is pitched both ways, or is it a lean-to on another building?

Mr. RUSSELL. No; it is not on another building. It is 50 or 60 feet from his house.

The CHAIRMAN. How far is it from these other two sheds?

Mr. RUSSELL. They are all joined together in a row.

The CHAIRMAN. Under one roof?

Mr. RUSSELL. Practically. I do not believe they were built at the same time, but they are right along, one building up against another.

The CHAIRMAN. I think that is all.

Senator POMERENE. In answer to a question put by counsel a moment ago you stated that so far as you knew Senator Stephenson

knew nothing about the removal of these papers, this box, and its contents.

Mr. RUSSELL. So far as I know. I never had any conversation with him on the subject.

Senator POMERENE. Was there any object in keeping this information from him?

Mr. RUSSELL. Not to my knowledge. I knew nothing about it. I never had any conversation with him.

Senator POMERENE. Did you have any information about it from any other source?

Mr. RUSSELL. My information has always been that, and I do not believe he did know anything about it.

Senator POMERENE. I am trying to find out whether there was a reason for keeping this information from him.

Mr. LITTLEFIELD. Whether there was a purpose in it?

Mr. RUSSELL. Not that I know of; not to my knowledge.

Senator POMERENE. I mean, in moving his property from one place to another, back and forth, without even consulting him about it. Was there any purpose in that?

Mr. RUSSELL. I do not know. There may have been. I believe Senator Stephenson was in Washington all of this time, or the greater part of it.

Senator POMERENE. That is all.

Mr. LITTLEFIELD. Was there any conversation between yourself and Mr. Black or Mr. Hyzer, who was then a member of the firm of Cary, Upham & Black, from which you can draw any inference that there was any purpose in keeping this removal from Senator Stephenson?

Mr. RUSSELL. No, sir; not to my knowledge.

Mr. LITTLEFIELD. Was there a word said at any time by either Mr. Black or Mr. Hyzer, or by anybody connected with that firm, that would give rise to any inference of that sort?

Mr. RUSSELL. No, sir.

Mr. LITTLEFIELD. It was simply a matter which they attended to on their own responsibility, as far as you know?

Mr. RUSSELL. Yes, sir.

Mr. LITTLEFIELD. Without giving the Senator any information or advice as to the details of what they were doing?

Mr. RUSSELL. Yes, sir.

Mr. LITTLEFIELD. Was any intimation ever conveyed to you that it was to be kept from the Senator?

Mr. RUSSELL. No, sir.

Mr. LITTLEFIELD. No conversation ever took place from which you could draw any such inference?

Mr. RUSSELL. No, sir.

Mr. LITTLEFIELD. Do you know why it was brought back from Marinette?

Mr. RUSSELL. I could not know, except, possibly, through hearsay.

Mr. LITTLEFIELD. Do you know from any conversation with Mr. Black?

Mr. RUSSELL. I assume Mr. Black's idea was that because somebody had testified in Madison in regard to this it was brought back, so that if the committee wanted it it would be there.

Mr. LITTLEFIELD. That is all.

The CHAIRMAN. I will take opportunity at this time to announce that J. S. Farrell, Thomas A. Stone, J. L. O'Connor, J. H. Puelicher, and Frank T. Wagner are discharged from further attendance.

TESTIMONY OF R. E. MACLEAN.

R. E. MACLEAN, having been heretofore duly sworn, was examined and testified as follows:

The CHAIRMAN. You have been sworn in this case?

Mr. MACLEAN. Yes.

The CHAIRMAN. Where do you reside?

Mr. MACLEAN. Wells, Mich.

The CHAIRMAN. How long have you resided there?

Mr. MACLEAN. Twenty-eight years.

The CHAIRMAN. Are you in business at any place?

Mr. MACLEAN. In Wells, Mich.

The CHAIRMAN. Are you in any way connected with the establishment or the business of Senator Stephenson at Marinette?

Mr. MACLEAN. No, sir; not at all.

The CHAIRMAN. You have heard a box spoken of. You have been present while the witnesses have been testifying in regard to it?

Mr. MACLEAN. Yes.

The CHAIRMAN. When did you first know of the existence of that box?

Mr. MACLEAN. I can not remember the exact date. It was some time in the spring of 1909.

The CHAIRMAN. How did you become aware of it, and under what circumstances?

Mr. MACLEAN. I was asked by Mr. Russell to go down and get a box of papers.

The CHAIRMAN. Was the request a personal one or by communication over the telephone or by telegraph?

Mr. MACLEAN. Over the telephone; but not at that time. He phoned me to come down and get this box. He did not tell me how to get it or when to get it, but to come down and get it. I went down and got it.

The CHAIRMAN. What is your business?

Mr. MACLEAN. I am a lumberman.

The CHAIRMAN. Are you associated or connected with Senator Stephenson?

Mr. MACLEAN. Yes.

The CHAIRMAN. You are his representative?

Mr. MACLEAN. I am at that particular point.

The CHAIRMAN. You did this because you represented him, did you?

Mr. MACLEAN. I did it because Mr. Russell requested me to do it.

The CHAIRMAN. He requested you on behalf of whom?

Mr. MACLEAN. I do not know.

The CHAIRMAN. You knew Mr. Russell, did you?

Mr. MACLEAN. Yes, sir.

The CHAIRMAN. This was not his property?

Mr. MACLEAN. No, sir; not that I know of.

The CHAIRMAN. Did you know whose property it was?

Mr. MACLEAN. No, sir.

The CHAIRMAN. It was marked, was it not? Was not the name on it?

Mr. MACLEAN. There was no name on the box, that I saw.

The CHAIRMAN. How did you identify the box?

Mr. MACLEAN. Mr. Hornibrook showed me the box.

The CHAIRMAN. Who is he?

Mr. MACLEAN. He is the superintendent of affairs at Marinette, in the Ludington Co.

The CHAIRMAN. You advised him that you had been instructed to go down there and get that box?

Mr. MACLEAN. Yes; a box of papers.

The CHAIRMAN. And he pointed it out to you?

Mr. MACLEAN. Yes.

The CHAIRMAN. And what did you do?

Mr. MACLEAN. We found that the box was cumbersome and that we could not take it in an automobile. We had an automobile there. So we opened the box and put the contents in gunny sacks and took them in that way.

The CHAIRMAN. Is that the first time you took those papers up to Wells?

Mr. MACLEAN. Those particular papers? You have not asked me about the valise papers, but I presume you will get around to it.

The CHAIRMAN. I have not questioned you about what?

Mr. MACLEAN. The grip papers—the suit-case papers.

The CHAIRMAN. I am talking about the box.

Mr. MACLEAN. I am talking about the box, also.

The CHAIRMAN. I think we will probably reach what you call the “valise” papers. You say you went to that box, took out the contents, and put the contents in gunny sacks. Then what did you do with the gunny sacks?

Mr. MACLEAN. I will correct that a little. I helped take them out.

The CHAIRMAN. That is not material. You were a party to it?

Mr. MACLEAN. Yes.

The CHAIRMAN. You put those gunny sacks in your automobile, did you?

Mr. MACLEAN. In Mr. Kates’s automobile.

The CHAIRMAN. It is not very material who owned the automobile. Then what did you do?

Mr. MACLEAN. We went home.

The CHAIRMAN. Home where?

Mr. MACLEAN. To Wells.

The CHAIRMAN. How far is that?

Mr. MACLEAN. About 60 miles.

The CHAIRMAN. By country roads?

Mr. MACLEAN. Yes; by a good road, a State road.

The CHAIRMAN. All the way?

Mr. MACLEAN. Yes; a fine road.

The CHAIRMAN. What was in those gunny sacks?

Mr. MACLEAN. The papers that were in the box.

The CHAIRMAN. And letter files?

Mr. MACLEAN. I could not tell you exactly what they were. They were a lot of papers, letter files, long lists, and cards; and I think there were some campaign buttons. We did not look them over.

The CHAIRMAN. You took them from this warehouse, did you?

Mr. MacLEAN. Yes.

The CHAIRMAN. Mr. Hornibrook was in charge of the warehouse?

Mr. MacLEAN. He was in charge of it that night.

The CHAIRMAN. This was at night?

Mr. MacLEAN. That evening.

The CHAIRMAN. What time was it?

Mr. MacLEAN. About 9 o'clock.

The CHAIRMAN. Did you go back to Wells that night after 9 o'clock?

Mr. MacLEAN. Oh, yes. We did not start back for a couple of hours after that.

The CHAIRMAN. About 11 o'clock?

Mr. MacLEAN. Yes.

The CHAIRMAN. And you went to Wells that night?

Mr. MacLEAN. Yes.

The CHAIRMAN. What time did you get to Wells?

Mr. MacLEAN. It is about a two hours' run.

The CHAIRMAN. You got there about 1 o'clock in the morning.

Mr. MacLEAN. Yes; about 1.

The CHAIRMAN. Is there a railroad connecting Marinette and Wells?

Mr. MacLEAN. Yes.

The CHAIRMAN. Is it direct?

Mr. MacLEAN. Yes; it is direct.

The CHAIRMAN. Is there any other medium of transportation?

Mr. MacLEAN. Nothing but airships. That is the only way you could go, except that there is a good State road and a good railroad.

The CHAIRMAN. Is there any water transportation?

Mr. MacLEAN. Yes; but it is roundabout.

The CHAIRMAN. Is it used at all?

Mr. MacLEAN. There is no line of passenger boats running that I know of.

The CHAIRMAN. Your reference to airships was intended for levity, I suppose?

Mr. MacLEAN. Yes.

The CHAIRMAN. Not as a serious answer. Did you see Miss Stringham when you were there?

Mr. MacLEAN. No.

The CHAIRMAN. Whom did you see beside Mr. Hornibrook?

Mr. MacLEAN. I did not see anybody at the warehouse except Mr. Hornibrook.

The CHAIRMAN. The warehouse was closed when you arrived, I suppose?

Mr. MacLEAN. No; the store was open, I believe.

The CHAIRMAN. What day of the week was it?

Mr. MacLEAN. I am not sure.

The CHAIRMAN. Do they keep the stores open at night up there?

Mr. MacLEAN. They did that one. That store was open.

The CHAIRMAN. You did not examine the contents of the box, I suppose?

Mr. MacLEAN. No, sir.

The CHAIRMAN. You took them to Wells?

Mr. MacLEAN. Yes, sir.

The CHAIRMAN. You took them out of the box, or helped to do it, put them in the gunny sacks, and took them to Wells. What did you do with them when you got to Wells?

Mr. MACLEAN. We put them in Mr. Kates's shed. We ran the automobile in and put them in the loft, to get them out of the way.

The CHAIRMAN. Did you know anything as to the character or the value of the contents of those gunny sacks?

Mr. MACLEAN. I knew they contained documents of some kind, but I knew nothing of the value of them.

The CHAIRMAN. Was the shed a closed and locked building?

Mr. MACLEAN. Yes.

The CHAIRMAN. Did you put them up there that night, after you arrived?

Mr. MACLEAN. Yes.

The CHAIRMAN. You put them up overhead that night?

Mr. MACLEAN. Yes.

The CHAIRMAN. And you locked up the place?

Mr. MACLEAN. Yes.

The CHAIRMAN. Did you leave the automobile in the same shed in which the papers were?

Mr. MACLEAN. I think it was the same shed.

The CHAIRMAN. The automobile was downstairs, and the gunny sacks were upstairs?

Mr. MACLEAN. Yes; the gunny sacks were upstairs.

The CHAIRMAN. You said that I had not asked you anything about a suit case. What do you know about a suit case?

Mr. MACLEAN. I know I brought a suit case full of letters up to Wells at one time—letters and papers.

The CHAIRMAN. Were the letters in the suit case when you found them?

Mr. MACLEAN. No. I put them in. Do you want me to tell you the circumstances connected with that?

The CHAIRMAN. Yes. Go directly to it.

Mr. MACLEAN. Mr. Russell phoned me to meet him in Menominee. He said he had some papers or packages that he wanted me to bring home. So I went down on the first train, which is the evening train, and which gets into Menominee about 11 o'clock. I met Mr. Russell at the hotel, and he told me he wanted me to go over there in the morning and get some papers and take them to Wells; that somebody would give them to me, or they would be over there. So I went over in the morning about 9 o'clock. I went in, and Miss Stringham was there, and she showed me the papers he wanted me to take. We kept talking, and pretty soon she was called out somewhere, and I went to get the papers. I had a suit case. I found I could not bring the files along, and I took the letters out of the files and packed them in the suit case, and I left the files there on a shelf.

The CHAIRMAN. Did you ever get the files?

Mr. MACLEAN. Later on; yes. I did not get them, but later on I took the letters back and put them where I found them.

The CHAIRMAN. Then the letters were with you at Wells without the file covers?

Mr. MACLEAN. Yes.

The CHAIRMAN. How long a time elapsed between the time you took up the contents of that box in gunny sacks in the night and the time you came with the suit case for the letters?

Mr. MACLEAN. I do not know. I am not sure about that, but I think about a month.

The CHAIRMAN. Can you fix the date of either of those events?

Mr. MACLEAN. No; I would not fix it positively.

The CHAIRMAN. Please fix it as nearly as your memory will enable you.

Mr. MACLEAN. No; I will not try, because I am not positive. I think it was about a month.

The CHAIRMAN. What year?

Mr. MACLEAN. 1909.

The CHAIRMAN. Was it in the spring?

Mr. MACLEAN. Yes.

The CHAIRMAN. Early in the spring?

Mr. MACLEAN. I do not know. I know it was in the spring.

The CHAIRMAN. How were the roads?

Mr. MACLEAN. They were very good.

The CHAIRMAN. Were they frozen?

Mr. MACLEAN. No; I do not think they were.

The CHAIRMAN. Do the roads freeze up in March or April in that country?

Mr. MACLEAN. Sometimes they freeze later than that. It depends on the year.

The CHAIRMAN. You came down, then, and got the letters from the cases and put them in a suit case?

Mr. MACLEAN. Yes, sir.

The CHAIRMAN. Whose suit case was that?

Mr. MACLEAN. My own.

The CHAIRMAN. Did you bring it down with you?

Mr. MACLEAN. Yes, sir.

The CHAIRMAN. Did you anticipate that you would be compelled to take the letters out of the filing cases?

Mr. MACLEAN. No, sir. I did not anticipate anything. I did not know, really, what I was going after.

The CHAIRMAN. Were you told to bring a suit case?

Mr. MACLEAN. He told me there were some packages, and I thought a suit case would be the best thing to take care of them in.

The CHAIRMAN. And you brought the suit case for that purpose?

Mr. MACLEAN. Yes.

The CHAIRMAN. And that is the case to which Miss Stringham refers in her testimony. Some weeks before this you had taken the other contents of that box?

Mr. MACLEAN. Oh, no; that was after that. This suit case episode came first.

The CHAIRMAN. Then the first trip was the one in which you brought the suit case and took the letters?

Mr. MACLEAN. Yes.

The CHAIRMAN. The second trip was the one in which you came after the balance of what was in the box?

Mr. MACLEAN. Not altogether the balance. Those letters were taken back before we got the box, and then we came and took the whole contents.

The CHAIRMAN. Let us get the chronology right. You took the letters away in a suit case by themselves?

Mr. MACLEAN. I do not know that they were all letters.

The CHAIRMAN. Well, let us waive that point.

Mr. MACLEAN. The papers.

The CHAIRMAN. Papers; yes. You kept them where?

Mr. MACLEAN. I took the suit case home, lifted up a window seat, and left it there; and I never saw it afterward until I took it back again. I practically forgot about it.

The CHAIRMAN. Did Mr. Russell come after any of those letters when you had them there?

Mr. MACLEAN. Yes; he came up there and asked for those letters, and I pointed out where they were. I was going to the office, and I told him he could get them if he wanted to.

The CHAIRMAN. They were then under the window seat?

Mr. MACLEAN. It is a window seat that you lift up. They were there in the same identical suit case.

The CHAIRMAN. The suit case was under the window seat?

Mr. MACLEAN. Yes.

The CHAIRMAN. Did you see what Mr. Russell did with reference to examining, sorting, or separating those papers?

Mr. MACLEAN. No, sir.

The CHAIRMAN. Did you hand him any separate bundle of papers?

Mr. MACLEAN. No, sir.

The CHAIRMAN. So that you had only one set of papers, and they were in the suit case?

Mr. MACLEAN. One set of papers, and they were in the suit case.

The CHAIRMAN. And you put them in there?

Mr. MACLEAN. I put them in there.

The CHAIRMAN. Were they all in together, or were they separated so that you could pick out one lot from another?

Mr. MACLEAN. No; they were put in just as they came out of the cases.

The CHAIRMAN. They were put in just as they came out of the filing cases?

Mr. MACLEAN. Yes.

The CHAIRMAN. See if we get this right: First you came down after the letters with a suit case?

Mr. MACLEAN. After the papers with a suit case—whatever the papers were.

The CHAIRMAN. It is not material, and you are not responsible for the designation. You came down after the papers with a suit case, and you took them to your home?

Mr. MACLEAN. Yes.

The CHAIRMAN. And during the time they were there Mr. Russell came up and made this examination and brought away a part of them? Is that true?

Mr. MACLEAN. I presume he did. I did not see him make the examination.

The CHAIRMAN. That identifies the occasion.

Mr. MACLEAN. He came up for that purpose.

The CHAIRMAN. At that time you had not seen or had possession of anything else than those letters in the suit case?

Mr. MACLEAN. No, sir.

The CHAIRMAN. Then you sent those letters back?

Mr. MACLEAN. I took them back.

The CHAIRMAN. Did you send them back in the suit case?

Mr. MACLEAN. I took them back in the same suit case.

The CHAIRMAN. When you took them back, to whom did you deliver them?

Mr. MACLEAN. I took them back and took them into Mr. Stephenson's office. There was nobody there. Miss Stringham was away on a vacation, I believe. So I waited around for somebody to come in. Nobody came into the office, and I put them back in the same identical files that I took them out of. The files were lying there on a shelf, and I put them back there.

The CHAIRMAN. Did you put them back in bulk or did you separate them?

Mr. MACLEAN. O, Lord, no. I put them back in any file that I could get them into. I got rid of the papers.

The CHAIRMAN. You left them there?

Mr. MACLEAN. Yes.

The CHAIRMAN. Was anyone there at all during the time you were leaving the papers?

Mr. MACLEAN. No; not in the outside office.

The CHAIRMAN. Did you put them on a shelf outside?

Mr. MACLEAN. There is a little shelf in the outer office. I believe I told Mr. Hornibrook that I left them there.

The CHAIRMAN. You saw Mr. Hornibrook?

Mr. MACLEAN. Yes.

The CHAIRMAN. And you told him you left them there?

Mr. MACLEAN. Yes.

The CHAIRMAN. Then you went home?

Mr. MACLEAN. Yes.

The CHAIRMAN. Did you leave the suit case there?

Mr. MACLEAN. Oh, no; I took the suit case. That was my suit case.

The CHAIRMAN. And you came down again after the contents of that box?

Mr. MACLEAN. Yes.

The CHAIRMAN. And there you saw the box?

Mr. MACLEAN. Yes.

The CHAIRMAN. How big was it?

Mr. MACLEAN. Oh, I should judge about the size of a shoe box.

The CHAIRMAN. Give us the dimensions.

Mr. MACLEAN. About 14 inches wide, 2 feet high, and probably 3 feet long—nearly that.

The CHAIRMAN. You took the contents of that box up to your home?

Mr. MACLEAN. Yes.

The CHAIRMAN. In gunny sacks.

Mr. MACLEAN. Yes.

The CHAIRMAN. Was there anything left in the box after you had filled the gunny sacks from it?

Mr. MACLEAN. No.

The CHAIRMAN. Were the letters or letter files that you have spoken of in the box at that time?

Mr. MACLEAN. I believe they were.

The CHAIRMAN. You did not go to the office to get the letters or letter files?

Mr. MACLEAN. No; not that time.

The CHAIRMAN. They had been returned to this box in the warehouse?

Mr. MACLEAN. I do not know about that. I would not swear to that.

The CHAIRMAN. You know whether you found them there or not.

Mr. MACLEAN. I could not identify them as the same ones. I know there was a package of letters, a package of files.

The CHAIRMAN. Then you do not know whether we have the letters that you put back in the suit case and redistributed in the file cases and left in the office?

Mr. MACLEAN. I could not swear to it.

The CHAIRMAN. You have no knowledge on that subject?

Mr. MACLEAN. No, sir.

The CHAIRMAN. But you did find certain letter cases in this box?

Mr. MACLEAN. Letter cases and papers.

The CHAIRMAN. This was some weeks after you had brought down the suit case and the letters?

Mr. MACLEAN. Yes; some time after that.

The CHAIRMAN. You found these letters in the box. Was it nailed up?

Mr. MACLEAN. Yes; it was nailed up.

The CHAIRMAN. The box was nailed up and was in the warehouse, was it?

Mr. MACLEAN. Yes, sir.

The CHAIRMAN. And the letter cases that have now come in the trunk from your place up there are the ones that you found in the box on the occasion of your second trip, are they?

Mr. MACLEAN. I do not know. I have not seen the contents of this trunk. I did not help pack the trunk. I presume they are.

The CHAIRMAN. I will identify them, then, as the ones that came down. Did you not help pack the trunk up there?

Mr. MACLEAN. No, sir. I was not at home that day. I was not at home the day they came up after them. I did not help pack the trunk. I did not see the trunk.

Mr. LITTLEFIELD. It was not at your house at all?

Mr. MACLEAN. No, sir.

The CHAIRMAN. But you did find the letter files?

Mr. MACLEAN. We found that box of letter files, and lots of old papers, inkstands, and trays. We did not bring the inkstands—they were too bulky—or the trays. There were some wire trays, letter trays. We did not bring those. We could not very well put them in a bag without breaking them.

The CHAIRMAN. They are of no consequence here, although they seem to loom up on every occasion as articles of first importance—inkstands and baskets. We are after the correspondence and matters of record. We are not after inkstands or letter baskets.

Mr. MACLEAN. I am just mentioning them because they were there.

The CHAIRMAN. Yes; they have been mentioned on every possible occasion. Now let us get right down to the subject of the inquiry. Mr. Russell testifies that when he went after these papers recently, he found them in this loft, in gunnysacks.

Mr. MACLEAN. Yes.

The CHAIRMAN. That is where you placed them when you took them up there?

Mr. MACLEAN. That is where they were placed.

The CHAIRMAN. Those are traced, through the testimony of witnesses, to this trunk. Those are the letters you took up the second time. So we have nothing to do with the letters that you took up in the suit case, because you brought them back.

Mr. MACLEAN. Yes, sir.

The CHAIRMAN. It was a rather unusual thing to be packing these letters around from place to place. Did it not so occur to you?

Mr. MACLEAN. I do not know that it did. I know nothing about that part of it. I was instructed to go and get them and I did so.

The CHAIRMAN. You were perfectly willing to be the medium of doing that kind of a thing, and making midnight trips; were you?

Mr. MACLEAN. Let me explain about the "midnight trip." We were going down in the morning; we were detained by business. Some unexpected business occurred so that we could not go then, and we had to go when we could. Before we got loose it was along about 5 o'clock, when we started. It is two hours' run down there in an automobile. They are very good roads. The night trip was to save time—nothing else.

The CHAIRMAN. That is all.

Senator POMERENE. Was it important to get these papers up on that particular day, the next day?

Mr. MACLEAN. I do not think so. They did not mention any particular day for us to get them.

Senator POMERENE. Did you know to what the papers pertained?

Mr. MACLEAN. In a general way, I did.

Senator POMERENE. That is, that they related to the election of Senator Stephenson to the Senate?

Mr. MACLEAN. I supposed they were campaign papers.

Senator POMERENE. You understood that?

Mr. MACLEAN. Yes, sir; that they were campaign papers.

Senator POMERENE. And at that particular time the investigation was going on at Madison, was it not?

Mr. MACLEAN. I do not know about that. I am not sure.

Senator POMERENE. You know as a matter of general information, do you not, that at or about that time there was an investigation in progress?

Mr. MACLEAN. I know there was an investigation in progress at some time, but I do not remember the dates. I paid no attention to it.

Senator POMERENE. Do you not remember that the newspapers here were full of the accounts of the investigation before a joint committee of the two houses of the general assembly, and later before a senate committee? You knew all that?

Mr. MACLEAN. I knew all that, but I say I am not sure of the date. I do not know whether it was that time or later or before.

Senator POMERENE. What was the occasion of taking these letters back the first time?

Mr. MACLEAN. I was just following the instructions of Mr. Russell.

Senator POMERENE. Why should these papers be taken over to Wells, Mich.?

Mr. MACLEAN. I will not answer that, because I do not know. I can not answer it.

Senator POMERENE. Who is Mr. Kates?

Mr. MACLEAN. He is superintendent of the Escanaba & Lake Superior Railroad, and he is my next-door neighbor.

Senator POMERENE. Is he connected with Senator Stephenson in some of his business affairs?

Mr. MACLEAN. Yes.

Senator POMERENE. In what way?

Mr. MACLEAN. He is superintendent of a railroad of which Senator Stephenson is president.

Senator POMERENE. This message came to you; did it not?

Mr. MACLEAN. What message?

Senator POMERENE. The message from Mr. Russell, to look after these matters.

Mr. MACLEAN. Yes, sir.

Senator POMERENE. And instead of your keeping the papers in your possession, at least after the second trip, they were left in Mr. Kates's possession?

Mr. MACLEAN. I asked Mr. Kates to go down, to take me down in the automobile. I had not the time to go by train. It would take a whole day to go by train. Mr. Kates went down. We went away and came back home with the automobile. The shed was just as good a storage place as we had; and we put them there and left them there, subject to any orders we might get.

The CHAIRMAN. The witness is with counsel.

Mr. LITTLEFIELD. Do you remember whether or not there were eight or ten directories in this box when you took out the contents?

Mr. MACLEAN. I do not remember how many there were.

Mr. LITTLEFIELD. Were there any directories there?

Mr. MACLEAN. I do not know what you mean by a directory.

Mr. LITTLEFIELD. I mean city or county directories; that is, large books containing lists of names.

Mr. MACLEAN. There were some books, but I do not know of what nature they were. I did not examine them.

Mr. LITTLEFIELD. You would not be able to say about that?

Mr. MACLEAN. No; I would not be able to say.

Mr. LITTLEFIELD. That is all.

Mr. MACLEAN. Are you through with me?

The CHAIRMAN. Yes.

TESTIMONY OF HENRY C. HORNIBROOK.

HENRY C. HORNIBROOK, having been previously sworn, was examined and testified as follows:

The CHAIRMAN. Have you been sworn?

Mr. HORNIBROOK. Yes, sir.

The CHAIRMAN. Where do you reside?

Mr. HORNIBROOK. Marinette, Wis.

The CHAIRMAN. Do you know anything of a box about which inquiry has been made of the witnesses immediately preceding you?

Mr. HORNIBROOK. Yes, sir.

The CHAIRMAN. When did you first see that box?

Mr. HORNIBROOK. In the spring of 1909.

The CHAIRMAN. What time in the spring?

Mr. HORNIBROOK. I should say it was the latter part of March or April; some time along there.

The CHAIRMAN. What was the size of that box?

Mr. HORNIBROOK. As I remember, it was a box about 3 feet long, possibly 2 feet wide, and maybe 2 feet high; somewhere about that size.

The CHAIRMAN. Was it nailed up when you first saw it?

Mr. HORNIBROOK. Yes, sir.

The CHAIRMAN. Where did you see it?

Mr. HORNIBROOK. In the warehouse of the N. Ludington Co.

The CHAIRMAN. What position do you occupy with reference to that warehouse?

Mr. HORNIBROOK. I am superintendent of the company.

The CHAIRMAN. The box came directly into your charge, then, did it?

Mr. HORNIBROOK. No, sir.

The CHAIRMAN. In whose charge was it?

Mr. HORNIBROOK. It was in the warehouse.

The CHAIRMAN. You have charge of the warehouse, have you not?

Mr. HORNIBROOK. Yes; but——

The CHAIRMAN. Who was responsible for the box?

Mr. HORNIBROOK. I was not in the employ of the company when the box came there.

The CHAIRMAN. You were not?

Mr. HORNIBROOK. No, sir.

The CHAIRMAN. What did you have to do with that box?

Mr. HORNIBROOK. I helped Mr. MacLean take out what was in it.

The CHAIRMAN. By what authority did you open the box, if you say it was not under your authority?

Mr. HORNIBROOK. Mr. MacLean came there and told me that he had been instructed to get what was in the box.

The CHAIRMAN. Had it been opened prior to that time?

Mr. HORNIBROOK. Yes, sir.

The CHAIRMAN. Who opened it the first time?

Mr. HORNIBROOK. I do not know.

The CHAIRMAN. It had been nailed up again, had it?

Mr. HORNIBROOK. It had been nailed; yes. The cover had been partly nailed down, but it showed that it had been opened before.

The CHAIRMAN. Was that the first time you had done anything in relation to the box when Mr. MacLean came there?

Mr. HORNIBROOK. No.

The CHAIRMAN. What had you done before that time?

Mr. HORNIBROOK. I put back in the box some letter files that Mr. MacLean left in the Senator's office some time previously.

The CHAIRMAN. Was that the first time you had had anything to do with the box?

Mr. HORNIBROOK. Yes, sir.

The CHAIRMAN. Were you there when Miss Stringham took the letter files out of that box?

Mr. HORNIBROOK. I did not see her take them out.

The CHAIRMAN. Do you know when she took them?

Mr. HORNIBROOK. No, sir.

The CHAIRMAN. Did you hear that she had taken them?

Mr. HORNIBROOK. Yes, sir.

The CHAIRMAN. Who told you?

Mr. HORNIBROOK. I think Miss Stringham herself told me. I heard Miss Stringham ask the young man who was out in the store if he knew where that box was. He said that he understood there was a box in the warehouse, that it came the previous fall; and I believe she went with him to the box and opened it and took out the files.

The CHAIRMAN. Did you see her doing it?

Mr. HORNIBROOK. No, sir.

The CHAIRMAN. Who receives shipments that go into the warehouse?

Mr. HORNIBROOK. The store clerk usually.

The CHAIRMAN. Who is the store clerk? Who was the store clerk then?

Mr. HORNIBROOK. At that time Mr. Charles Skowlund was the store clerk. He was the store clerk at the time the box came there in the fall of 1908.

The CHAIRMAN. Was anything taken out of this box by anyone except Mr. MacLean or Miss Stringham?

Mr. HORNIBROOK. Not that I know of.

The CHAIRMAN. How long did it remain there?

Mr. HORNIBROOK. It remained there from the time I first knew of it until some time in April of that same spring—1909.

The CHAIRMAN. Then what became of it?

Mr. HORNIBROOK. I never saw the box afterwards.

The CHAIRMAN. You do not know what became of it?

Mr. HORNIBROOK. No, sir.

The CHAIRMAN. Were you there when the box was emptied and the contents put in gunny sacks?

Mr. HORNIBROOK. Yes, sir; I helped Mr. MacLean.

The CHAIRMAN. Did you take out of the box everything that was in it?

Mr. HORNIBROOK. We took everything that was in it.

The CHAIRMAN. Were these letter files in it?

Mr. HORNIBROOK. There were several letter files; yes, sir.

The CHAIRMAN. When had they been put in there?

Mr. HORNIBROOK. They were put in about a month or so previous to that.

The CHAIRMAN. Who put them in?

Mr. HORNIBROOK. I did.

The CHAIRMAN. Where did you get them?

Mr. HORNIBROOK. From the table in Senator Stephenson's office.

The CHAIRMAN. Did you get them from the custody of Miss Stringham?

Mr. HORNIBROOK. Miss Stringham was away at the time.

The CHAIRMAN. Who had charge of the office?

Mr. HORNIBROOK. There was nobody there.

The CHAIRMAN. Who had charge of these letter files?

Mr. HORNIBROOK. I say, Mr. MacLean brought them there and left them in the office. Miss Stringham, I believe, was out of the city at the time, and there was nobody else in the Senator's employ there.

The CHAIRMAN. How long did they remain in the office after Mr. MacLean brought them there?

Mr. HORNIBROOK. I took them out that same day.

The CHAIRMAN. Oh! He brought them, delivered them there, and notified you that he had done so; and you took them from the office and put them into this box again that day?

Mr. HORNIBROOK. Yes, sir.

The CHAIRMAN. Then how long did the box, with these things in it, remain in the warehouse?

Mr. HORNIBROOK. I should think about a month. I can not exactly remember.

The CHAIRMAN. The warehouse was locked, I suppose?

Mr. HORNIBROOK. Yes, sir.

The CHAIRMAN. Whereabouts in the warehouse was the box?

Mr. HORNIBROOK. It stood to the right, just inside the door.

The CHAIRMAN. Then Mr. MacLean came after them, put them into gunny sacks, and took them away? Is that it?

Mr. HORNIBROOK. Yes, sir.

The CHAIRMAN. Did they ever come back to Marinette?

Mr. HORNIBROOK. I never saw them afterwards.

The CHAIRMAN. Mr. Kates was with Mr. MacLean at that time; was he?

Mr. HORNIBROOK. Yes, sir.

The CHAIRMAN. That is all.

Senator POMERENE. Did you know to what these papers referred?

Mr. HORNIBROOK. In a general way; yes.

Senator POMERENE. Do you know why they were taken away?

Mr. HORNIBROOK. No, sir.

Senator POMERENE. Did you know that the investigation was in progress at that time in Madison?

Mr. HORNIBROOK. Yes, sir.

Senator POMERENE. You had a faint suspicion that they were taken away in order to keep them away from the committee; did you not?

Mr. HORNIBROOK. I never gave it any thought. I knew that the investigation was on, but I had nothing to do with the papers.

Senator POMERENE. Do you know whether anybody had searched through that box or its contents before the papers were taken away from your custody and sent over into Michigan?

Mr. HORNIBROOK. You mean when we took everything out of the box the last time?

Senator POMERENE. Yes. Were they searched through?

Mr. HORNIBROOK. I have no knowledge whatever of anybody going through them.

Senator POMERENE. Have you heard of anything to that effect?

Mr. HORNIBROOK. No, sir.

Senator POMERENE. Do you know whether all of the papers and records which came to Marinette in September were sent over to Michigan?

Mr. HORNIBROOK. No, sir. I do not know what was in the box when it came there. In the first place, I was not in the employ of the company at that time.

Senator POMERENE. You are certain, are you, that everything that was in the box when Mr. MacLean and Mr. Kates came over was sent over to Michigan?

Mr. HORNIBROOK. Yes, sir. I turned the box up on end when we finished it, and picked up odds and ends that were lying in the bottom of it.

Senator POMERENE. That is all.

Mr. LITTLEFIELD. Did you put in the box all of the papers that you found in the office the day when Mr. MacLean returned the papers there?

Mr. HORNIBROOK. I put in the files that were lying on the end of the table, where Mr. MacLean mentioned that he had left them.

Mr. LITTLEFIELD. You put in all of those?

Mr. HORNIBROOK. Yes, sir. I carried the files out and put them in.

Mr. LITTLEFIELD. That is all.

TESTIMONY OF C. W. KATES.

C. W. KATES, having been previously sworn, was examined and testified as follows:

The CHAIRMAN. Where do you reside?

Mr. KATES. Wells, Mich.

The CHAIRMAN. What is your business?

Mr. KATES. I am superintendent of the Escanaba & Lake Superior Railroad.

The CHAIRMAN. Is Senator Stephenson connected with that road?

Mr. KATES. He is the president of the company.

The CHAIRMAN. Did you accompany Mr. MacLean on a trip from Escanaba to Marinette?

Mr. KATES. I did.

The CHAIRMAN. You heard Mr. MacLean testify in regard to it?

Mr. KATES. Yes.

The CHAIRMAN. Did you see those papers taken out of the box and put in gunny sacks?

Mr. KATES. I helped take them out of the box and put them in gunny sacks.

The CHAIRMAN. Was everything taken out of the box and put in the gunny sacks?

Mr. KATES. Yes, sir.

The CHAIRMAN. Where did you take the gunny sacks?

Mr. KATES. We took them to Wells, Mich.

The CHAIRMAN. What did you do with them?

Mr. KATES. We put them in a shed in the rear of my residence there.

The CHAIRMAN. As has been described?

Mr. KATES. Yes, sir.

The CHAIRMAN. Is there a window in the upper portion of that shed?

Mr. KATES. There is a small window.

The CHAIRMAN. Enough of a window to make it light up there?

Mr. KATES. Yes, sir.

The CHAIRMAN. Did you direct that they be put there, or did Mr. MacLean ask that they be put there?

Mr. KATES. We put them there. Mr. MacLean and I put them there.

The CHAIRMAN. By mutual consent?

Mr. KATES. We did not know anything about how long they would be left there, and we wanted to put them somewhere where they would be out of the way; so we threw them up overhead in this shed.

The CHAIRMAN. How many sacks were there?

Mr. KATES. I believe there were four.

The CHAIRMAN. Were they well filled?

Mr. KATES. Not particularly well filled. We threw the stuff loosely in the sacks. It was large, bulky stuff that would not pack advantageously into a sack. We did not spend any time putting them in carefully.

The CHAIRMAN. How long did they remain there?

Mr. KATES. They were there I am quite positive, from some time in May, 1909, although I am not certain as to that date. They were there from that time until the 10th of October, 1911.

The CHAIRMAN. During that time did you see them occasionally?

Mr. KATES. I do not believe I ever saw them but once.

The CHAIRMAN. On what occasion was that?

Mr. KATES. One time I happened to go up over this shed, looking for some storm windows or something of the kind that were stored up there; and I noticed that the sacks were over in the corner where I had thrown them.

The CHAIRMAN. They were over in the corner?

Mr. KATES. Yes, sir; they were over on one side.

The CHAIRMAN. They were in the back corner, were they not?

Mr. KATES. Yes, sir.

The CHAIRMAN. Did you ever make more than the one trip to Marinette, or that neighborhood, in connection with these papers?

Mr. KATES. No, sir.

The CHAIRMAN. Did you go merely because Mr. MacLean asked you, or had you been requested by any other person?

Mr. KATES. Mr. MacLean was the only one that spoke to me about it. He asked me if I would go to Marinette with him. We intended to drive down during the day; and, as he stated, something interfered with that and we started early in the evening.

The CHAIRMAN. That is all.

Senator POMERENE. There was nothing to prevent your going down the next morning, was there?

Mr. KATES. I could not tell whether there would have been or not. We were both pretty busy there. I should like to say that an automobile trip to Menominee and return in the evening is not anything unusual. I have probably gone there twenty times after supper.

Senator POMERENE. The most important thing about it was to get those papers over to your place as quickly as possible, was it not?

Mr. KATES. Not that I know of. I do not know anything about it. No one told me it was important that those papers should be gotten over there as quickly as possible.

Senator POMERENE. You knew they were connected with the Stephenson election?

Mr. KATES. I knew something of the nature of the papers after I saw them, but not before that time.

Senator POMERENE. Did you learn from Mr. MacLean as to what they were about?

Mr. KATES. I did, yes, while we were going after them.

Senator POMERENE. You knew at that time that the investigation was going on at Madison?

Mr. KATES. I do not know now that it was going on at that time. When the investigation was going on, I knew it by what I saw in the newspapers.

Senator POMERENE. You knew that it had been going on before this time?

Mr. KATES. I can not say that I did, because, as I said before, I do not know that it had been going on before this time. I am not clear as to the dates. I read of the investigation at the time it was going on in Madison.

Senator POMERENE. Was it before the 21st of May?

Mr. KATES. I could not tell you.

Senator POMERENE. What time was it when you made that trip?

Mr. KATES. I said at the outset that I thought it was some time during the month of May; but I would not swear that it was in May, because I do not know.

Senator POMERENE. Could it have been earlier?

Mr. KATES. It was some time during the spring of 1909.

Senator POMERENE. Could it have been earlier than May?

Mr. KATES. I do not think so.

Senator POMERENE. Could it have been in April?

Mr. KATES. It could have been in April, but I do not think it was. I think it was in May; but I would not swear that it was in May, because I do not know.

Senator POMERENE. Did anybody examine those papers after they were placed in your shed or loft?

Mr. KATES. Not to my knowledge; and I am quite positive that they never were disturbed, because no one would have any occasion to go up in that loft. No one knew that the papers were there.

Senator POMERENE. Why did you not take those papers over to Mr. MacLean?

Mr. KATES. Because I was not requested to take them over there; and, as I said before, I did not suppose they would be left there any length of time.

Senator POMERENE. When the papers were removed from the loft, did you aid in removing them?

Mr. KATES. I did; yes, sir.

Senator POMERENE. Who else was there?

Mr. KATES. Mr. Russell.

Senator POMERENE. Anyone else?

Mr. KATES. No, sir.

Senator POMERENE. I think that is all.

Mr. LITTLEFIELD. I have no questions.

The CHAIRMAN. You are excused.

We will now call M. J. Bell.

Mr. LITTLEFIELD. Before we leave this subject, I would like to ask Mr. Russell a question that I omitted, if the chairman please.

The CHAIRMAN. Very well.

FURTHER TESTIMONY OF CHARLES C. RUSSELL.

CHARLES C. RUSSELL, being recalled, was examined and testified as follows:

Mr. LITTLEFIELD. Did you have the trunk with its contents weighed when you expressed it from Escanaba to Milwaukee?

Mr. RUSSELL. The agent of the express company weighed it.

Mr. LITTLEFIELD. How much did it weigh?

Mr. RUSSELL. 185 pounds.

The CHAIRMAN. That was when it left Milwaukee for Marinette?

Mr. LITTLEFIELD. No. That was when it left Escanaba about 10 days ago for Milwaukee. That is right, is it not?

Mr. RUSSELL. Yes.

The CHAIRMAN. You might, if you can—I will say this to you informally—ascertain the shipping weight when it left Milwaukee for Marinette.

Mr. LITTLEFIELD. We have that. The shipping receipt shows it. The CHAIRMAN. Let them go in together.

Mr. LITTLEFIELD. 200 pounds.

The CHAIRMAN. It weighed 200 pounds?

Mr. LITTLEFIELD. Yes.

The CHAIRMAN. And what was the weight when it came back?

Mr. LITTLEFIELD. 185 pounds.

The CHAIRMAN. All right.

Mr. LITTLEFIELD. If the chairman will excuse me just a moment, can Mr. MacLean, Mr. Kates, and Mr. Hornibrook be excused?

The CHAIRMAN. Yes. They are excused.

TESTIMONY OF MERTON J. BELL.

MERTON J. BELL, having been previously sworn, was examined and testified as follows:

Senator POMERENE. You have been sworn?

Mr. BELL. Yes, sir.

Senator POMERENE. Where do you live?

Mr. BELL. In Minneapolis.

Senator POMERENE. What is your business?

Mr. BELL. Lumber business.

Senator POMERENE. How long have you been living in Minneapolis?

Mr. BELL. About two years.

Senator POMERENE. Prior to that, where did you live?

Mr. BELL. In Douglas County, Wis.

Senator POMERENE. At what point?

Mr. BELL. Part of the time at Superior; most of the time in the town of Brule.

Senator POMERENE. What was your business while in Douglas County?

Mr. BELL. The lumber business most of the time.

Senator POMERENE. You know Robert J. Shields, do you?

Mr. BELL. Yes, sir.

Senator POMERENE. Do you remember the occasion of the election of Senator Stephenson at Madison in the spring of 1909?

Mr. BELL. Yes, sir.

Senator POMERENE. How long have you known Robert J. Shields?

Mr. BELL. 12 or 15 years.

Senator POMERENE. I will ask you whether you saw Robert J. Shields at West Baden, Ind., shortly after the election of Senator Stephenson?

Mr. BELL. I saw him there in the latter part of February or the 1st of March, 1910—a year ago last March.

Senator POMERENE. Did you see him there shortly after March 4, 1909?

Mr. BELL. No.

Senator POMERENE. It was in March, 1910, you saw him?

Mr. BELL. Yes.

Senator POMERENE. It was a year after the election?

Mr. BELL. Yes, sir.

Senator POMERENE. Did you have any talk with Mr. Shields at West Baden on the subject of the election of Senator Stephenson?

Mr. BELL. I did; yes.

Senator POMERENE. Where was it?

Mr. BELL. In the lobby of the West Baden Hotel.

Senator POMERENE. About when, if you can fix it more definitely than you did? You said you thought it was in March, 1910.

Mr. BELL. It would be either the very last part of February or the first part of March.

Senator POMERENE. Tell the committee what was said with reference to the election of Senator Stephenson.

Mr. BELL. Mr. Shields told me that he was at Madison at the time, helping to elect Mr. Stephenson, and that he got a special train to bring some member of the legislature to Madison at some particular time that they required him. During the conversation—am I to make a statement of what was said?

Senator POMERENE. Just give the conversation as it occurred, as nearly as you can.

Mr. BELL. I do not remember what started the conversation; but we talked of the election of Senator Stephenson. During the conversation Mr. Shields mentioned the special train that I described; and as I remember, I said I understood that there were some fellows kept away, or that it was unnecessary to bring anyone else there because there were too many there, and that the report had been that somebody was kept outside while the vote was taken. I do not just remember the exact words that were used. Anyway, I said to Mr. Shields that it was a "pretty good stunt," or words to that effect, keeping those fellows out of the place while the vote was being taken. He said that was an easy matter.

The CHAIRMAN. You are not speaking distinctly.

Mr. BELL. He said "it was an easy matter," or "easy," or words to that effect; that there "wasn't anything to it," or "it was easy to do it." I can not remember the exact words; but that is the effect of it, according to my best recollection.

Senator POMERENE. What else was said?

Mr. BELL. That is about the substance of it.

Senator POMERENE. Did he say what, if anything, he had to do with that?

Mr. BELL. He said that he went down there and "helped get Uncle Ike elected," "fixed up," while he was there.

Senator POMERENE. He did what?

Mr. BELL. He said he "fixed it up," or words to that effect, while he was there. He said he "pulled it off," or "fixed it up," or "got it through." As I remember, he said he "fixed it up." He put it in kind of an offhand way. That is what made me ask the question about getting the fellows to stay out of the room while the vote was being taken, because I had heard in a general way that it was said that some fellows had stayed out of the room (some Democratic members) while the vote was being taken that elected Mr. Stephenson a Senator.

Senator POMERENE. Did he say who had kept these fellows out?

Mr. BELL. He led me to believe that he had.

Senator POMERENE. What did he say on that subject?

Mr. BELL. I said, "That was a good stunt you pulled off, keeping those fellows out," or words to that effect—a "good stunt you pulled off," or "You made a pretty good move," or "did pretty well."

Senator POMERENE. What did he say to that?

Mr. BELL. He said, "That was easy—nothing to it," or words to that effect—"Easy matter to do that."

Senator POMERENE. What else was said?

Mr. BELL. He said something about "lots of fellows had their hand out," or something of that kind. I could not say just what it was, what the words were; but that was the substance of it.

Senator POMERENE. Did he say anything else?

Mr. BELL. I do not remember anything along that line.

Senator POMERENE. Do you recall anything else that he said to you, or that you said to him, on that subject at that time?

Mr. BELL. I can not recall other things. We talked about the political situation a little bit, which led up to this discussion.

Senator POMERENE. We do not care about your general matters—that is, if they are not pertinent to this inquiry. Was there anything else said either by you or to you that was pertinent to the election of Senator Stephenson?

Mr. BELL. I do not think there was.

Senator POMERENE. Did you have more than the one talk with him on this subject?

Mr. BELL. No.

Senator POMERENE. Either there or elsewhere?

Mr. BELL. No; not that I recall.

Senator POMERENE. That is all I care to inquire.

Mr. LITTLEFIELD. Where do you live?

Mr. BELL. In Minneapolis.

Mr. LITTLEFIELD. How long have you lived there?

Mr. BELL. About two years.

Mr. LITTLEFIELD. Where did you live prior to that?

Mr. BELL. In Douglas County, Wis.; part of the time in the town of Brule, and part of the time at Superior, for some years.

Mr. LITTLEFIELD. How long did you live at Superior?

Mr. BELL. In Douglas County, from 1891.

Mr. LITTLEFIELD. From 1891 until when?

Mr. BELL. Until I moved to Minneapolis.

Mr. LITTLEFIELD. You moved from Superior to Minneapolis?

Mr. BELL. No. I moved from the town of Brule, in Douglas County.

Mr. LITTLEFIELD. How long had you lived in Brule before you went to Minneapolis?

Mr. BELL. I lived in Brule all the time, except that part of one year I lived in Superior.

Mr. LITTLEFIELD. How far is Brule from Superior?

Mr. BELL. About 26 or 27 miles.

Mr. LITTLEFIELD. Is it in the same county?

Mr. BELL. Yes, sir.

Mr. LITTLEFIELD. Can you give the date when you moved from Brule to Minneapolis?

Mr. BELL. I took up my residence there about two years ago. I did not move my family until a year ago last spring. A year ago last May I moved my family there.

Mr. LITTLEFIELD. That is, you moved your family in May, 1910?

Mr. BELL. Yes.

Mr. LITTLEFIELD. But you yourself had been in Minneapolis since the preceding October, in 1909?

Mr. BELL. I opened an office there two years ago last August.

Mr. LITTLEFIELD. You opened an office in Minneapolis two years ago last August?

Mr. BELL. Yes, sir.

Mr. LITTLEFIELD. For the transaction of what business?

Mr. BELL. The lumber business.

Mr. LITTLEFIELD. Were you engaged in lumbering when you lived in Brule?

Mr. BELL. Yes, sir.

Mr. LITTLEFIELD. And also when you lived in Superior?

Mr. BELL. Yes, sir.

Mr. LITTLEFIELD. How long had you been at West Baden when this conversation occurred?

Mr. BELL. A few days.

Mr. LITTLEFIELD. Make it more specific, if you can.

Mr. BELL. Likely four or five days.

Mr. LITTLEFIELD. What time did you arrive at West Baden?

Mr. BELL. I do not know the date; but my best recollection is that I left Minneapolis on February 25.

Mr. LITTLEFIELD. Did you take your family with you?

Mr. BELL. No.

Mr. LITTLEFIELD. Did you go down alone?

Mr. BELL. Yes, sir.

Mr. LITTLEFIELD. Why did you go down there?

Mr. BELL. I had the jaundice.

Mr. LITTLEFIELD. What is West Baden—a watering place? Are there mineral springs there?

Mr. BELL. There is a mineral spring there.

Mr. LITTLEFIELD. It is supposed to have medicinal qualities, is it?

Mr. BELL. Yes, sir.

Mr. LITTLEFIELD. You were down there for the purpose of taking the waters of the spring?

Mr. BELL. Yes, sir.

Mr. LITTLEFIELD. You say you had been there about four or five days?

Mr. BELL. Something like that.

Mr. LITTLEFIELD. Were there any other acquaintances of yours at the hotel?

Mr. BELL. Not when I arrived there.

Mr. LITTLEFIELD. Did any acquaintances of yours come there afterwards?

Mr. BELL. Yes.

Mr. LITTLEFIELD. Who?

Mr. BELL. Mr. Wilkinson, of Superior.

Mr. LITTLEFIELD. Did Mr. Wilkinson, of Superior, arrive there before you had this conversation with Shields?

Mr. BELL. I do not think so.

Mr. LITTLEFIELD. You say he did?

Mr. BELL. I say I am not sure as to that.

Mr. LITTLEFIELD. Refresh your recollection, so as to be able to state definitely whether or not Mr. Wilkinson arrived there before or after you had the conversation with Shields?

Mr. BELL. I could not say as to that.

Mr. LITTLEFIELD. You do not remember as to that?

Mr. BELL. No, sir.

Mr. LITTLEFIELD. Have you no memory at all about it?

Mr. BELL. I know Mr. Wilkinson arrived a few days after I arrived there, and that I had the conversation with Shields not many days after I arrived there.

Mr. LITTLEFIELD. But you do not remember whether or not Wilkinson was there when you had the conversation with Shields; do you?

Mr. BELL. No; I do not.

Mr. LITTLEFIELD. Where was it that you had this conversation with Shields?

Mr. BELL. We were sitting in the lobby of the West Baden Hotel.

Mr. LITTLEFIELD. Was there anyone else in the hotel besides Shields with whom you had any acquaintance, or were all the other people strangers?

Mr. BELL. They were all strangers until Wilkinson came.

Mr. LITTLEFIELD. But you do not remember whether or not Wilkinson was there then?

Mr. BELL. No.

Mr. LITTLEFIELD. Was there anyone present when you had this conversation with Shields?

Mr. BELL. There were parties sitting in chairs around in the lobby.

Mr. LITTLEFIELD. How near were they?

Mr. BELL. I do not know how near they were. There would not have been anyone very near. It is a large room.

Mr. LITTLEFIELD. Was anyone near enough to hear the conversation?

Mr. BELL. I could not say. Possibly if anyone had been listening they would have heard it.

Mr. LITTLEFIELD. Do you know whether or not they did?

Mr. BELL. No; I do not.

Mr. LITTLEFIELD. How long did you stay there after you had the conversation?

Mr. BELL. I was there two weeks altogether—14 days.

Mr. LITTLEFIELD. To whom did you first repeat this conversation that you had with Shields?

Mr. BELL. I never repeated the conversation to anybody.

Mr. LITTLEFIELD. Whom did you first tell that you had had a conversation with Shields in relation to the Stephenson matter?

Mr. BELL. I think I mentioned the matter at one time to my partner in business.

Mr. LITTLEFIELD. What is his name?

Mr. BELL. L. C. Paulson.

Mr. LITTLEFIELD. Is he your present partner?

Mr. BELL. Yes, sir.

Mr. LITTLEFIELD. Did you mention it to anybody else than Mr. Paulson?

Mr. BELL. Yes. I think I mentioned the matter—in fact, I know I mentioned it—in a letter.

Mr. LITTLEFIELD. In a letter to whom?

Mr. BELL. Mr. Crownhart.

Mr. LITTLEFIELD. Is Crownhart the gentleman who used to live in Superior, and who is now connected with the Wisconsin State government at Madison?

Mr. BELL. Yes, sir.

Mr. LITTLEFIELD. What is his given name?

Mr. BELL. Charles.

Mr. LITTLEFIELD. When did you write Crownhart a letter in relation to this matter?

Mr. BELL. I was just thinking that I—I do not recollect. I think I talked to Mr. Crownhart before I wrote him a letter. I would not say for sure that I did. I wrote him a letter.

Mr. LITTLEFIELD. When did you write him the letter?

Mr. BELL. I wrote him the letter not very long ago.

Mr. LITTLEFIELD. How long ago?

Mr. BELL. A week or 10 days ago, probably.

Mr. LITTLEFIELD. That is since this investigation has been going on. You say you think you had a talk with Crownhart before you wrote him the letter?

Mr. BELL. I think I did.

Mr. LITTLEFIELD. Where was that talk?

Mr. BELL. I do not remember; but I think that on the train between Minneapolis and Superior I mentioned to Crownhart something regarding this conversation.

Mr. LITTLEFIELD. When?

Mr. BELL. A year or so ago.

Mr. LITTLEFIELD. Give it nearer than that, if you can.

Mr. BELL. I could not do it.

Mr. LITTLEFIELD. Give us the month.

Mr. BELL. I could not do that either.

Mr. LITTLEFIELD. You could not state the month?

Mr. BELL. No.

Mr. LITTLEFIELD. Was it in the spring?

Mr. BELL. I could not say.

Mr. LITTLEFIELD. Was it in the fall?

Mr. BELL. That I could not say.

Mr. LITTLEFIELD. Was it in the summer?

Mr. BELL. I said a moment ago that I did not remember when I told him. We had a conversation on the train.

Mr. LITTLEFIELD. Do you remember whether or not it was in the summer?

Mr. BELL. I do not remember whether it was or not.

Mr. LITTLEFIELD. Do you remember whether or not it was in the winter?

Mr. BELL. No, sir.

Mr. LITTLEFIELD. Will you not state to the committee whether it was either in the fall, spring, winter, or summer?

Mr. BELL. If I had a conversation, if I did mention the matter to Mr. Crownhart, it was on a train between Minneapolis and St. Paul,

coming from Superior to St. Paul, when he and I talked about some matters. I think he was on his way to Madison, and I was going home. I do not know when it was; but I should say it was from six months to a year ago.

Mr. LITTLEFIELD. You say "if" you did?

Mr. BELL. Yes.

Mr. LITTLEFIELD. Do you mean by that that you do not know whether you did or not?

Mr. BELL. I do not know whether I did or not; but my recollection is that I said something to Mr. Crownhart regarding the matter.

Mr. LITTLEFIELD. How did you happen to write him a letter about it 10 days ago?

Mr. BELL. I read the testimony of Lieut. Gov. Morris on the stand regarding this proposition—

Mr. LITTLEFIELD. And then you volunteered that information by letter, did you not?

Mr. BELL. I wrote a letter to Mr. Crownhart.

Mr. LITTLEFIELD. Answer the question, please. Did you not volunteer your information to Mr. Crownhart by a letter?

Mr. BELL. Yes, sir.

Mr. LITTLEFIELD. You did, did you not?

Mr. BELL. Yes, sir.

Mr. LITTLEFIELD. Have you not stated within the last 10 days that Mr. Shields was an enemy of yours, and you had a chance to get back at him now, or that in substance?

Mr. BELL. No, sir.

Mr. LITTLEFIELD. And that you proposed to do it?

Mr. BELL. No, sir.

Senator POMERENE. Just a moment. If you are laying the foundation for a contradiction you ought to name the person, time, and place, if you can.

Mr. LITTLEFIELD. He has already stated that he did not so state; so I will not pursue it any further.

Mr. BELL. The fact of the matter is that Mr. Shields and I have been friendly.

Mr. LITTLEFIELD. What did you say?

Mr. BELL. The fact of the matter is that Mr. Shields and I, as far as I know, have been friendly.

Mr. LITTLEFIELD. Have you been friendly with him right along during the last seven or eight years?

Mr. BELL. Yes; as far as—

Mr. LITTLEFIELD. Have you not been an enemy of Mr. Shields for the last five or six years?

Mr. BELL. No.

Mr. LITTLEFIELD. Have you not been an enemy of Mr. Shields for any portion of the time during the last five or six years?

Mr. BELL. No, sir.

Mr. LITTLEFIELD. How many times have you seen Mr. Shields since that time in February or March, 1910, when you say you saw him in West Baden?

Mr. BELL. A lot of times. I do not know how many times.

Mr. LITTLEFIELD. How many times have you talked with him?

Mr. BELL. Oh, a number of times.

Mr. LITTLEFIELD. How many times?

Senator POMERENE. Do you mean on this subject, or any other subject?

Mr. LITTLEFIELD. On any subject.

Mr. BELL. Probably a dozen or 15 times.

Mr. LITTLEFIELD. How many times prior to that had you seen him?

Mr. BELL. I had met him on the street and met him around and seen him for years, numerous times, prior to that.

Mr. LITTLEFIELD. Do you mean to swear that you never had any controversies of any kind with Mr. Shields?

Mr. BELL. I have had some; in politics we have had some. We have been on opposite sides.

Mr. LITTLEFIELD. Have you not always been on opposite sides?

Mr. BELL. I could not say as to that.

Mr. LITTLEFIELD. You do not know whether or not you and Mr. Shields have always been on opposite sides politically?

Mr. BELL. No, sir. I do not know how Mr. Shields has been working all the time, or how he has been voting.

Mr. LITTLEFIELD. When did you first have any political controversy with Mr. Shields?

Mr. BELL. The last year of the primary election—the last year of the convention, before the primary election.

Mr. LITTLEFIELD. What primary election do you mean?

Mr. BELL. The Wisconsin primary election.

Mr. LITTLEFIELD. What primary election?

Mr. BELL. Before it took effect.

Senator POMERENE. What is the question?

Mr. LITTLEFIELD. I am trying to find out when he first had any political controversy with Mr. Shields. He says it was at an election prior to a primary election. (To Mr. Bell.) What primary election?

Mr. BELL. Prior to the adoption of the Wisconsin primary election.

Mr. LITTLEFIELD. Prior to the adoption of the primary election law?

Mr. BELL. Prior to the adoption of the primary election law of Wisconsin.

Mr. LITTLEFIELD. When was that?

Mr. BELL. In 1906, I believe.

Mr. LITTLEFIELD. How long ago?

Mr. BELL. I think it was in 1906 that we had the last convention.

Mr. LITTLEFIELD. Did you have a political controversy with Shields at that time?

Mr. BELL. Yes, sir.

Mr. LITTLEFIELD. What was the nature of it?

Mr. BELL. He came out to our town, the town of Brule, where I lived, and got up a set of delegates opposed to the delegates that I was supporting there for the county convention.

Mr. LITTLEFIELD. Was that rather a bitter controversy?

Mr. BELL. Why, I did not think so.

Mr. LITTLEFIELD. What did you say?

Mr. BELL. I do not think so.

Mr. LITTLEFIELD. Did it not leave any bitter feelings?

Mr. BELL. I do not think so.

Mr. LITTLEFIELD. Who carried off the delegates?

Mr. BELL. Our side did.

Mr. LITTLEFIELD. You were successful?

Mr. BELL. Yes, sir.

Mr. LITTLEFIELD. Notwithstanding the fight put up by Mr. Shields and the other people against you?

Mr. BELL. Yes, sir.

Mr. LITTLEFIELD. Did you ever have any other controversies with him?

Mr. BELL. I would like to say that on the day of the controversy, within 20 minutes after the polls closed, Mr. Shields and I shook hands.

Mr. LITTLEFIELD. So, according to your standpoint, that ended that controversy?

Mr. BELL. Yes.

Mr. LITTLEFIELD. You never had any other controversy?

Mr. BELL. No, sir.

Mr. LITTLEFIELD. Of any kind?

Mr. BELL. No, sir.

Mr. LITTLEFIELD. Have you a copy of the letter that you wrote Mr. Crownhart?

Mr. BELL. No; I have not.

Mr. LITTLEFIELD. What did you say in it?

Mr. BELL. I said, "I have just read the testimony of Lieut. Gov. Morris regarding the part that Shields took in the campaign at the election of Senator Stephenson, and I think if you are interested in the matter you should get Shields on the stand; and if he tells the truth there may something interesting come out, because he said something to me" along the line of what I have said here at West Baden. It brought the matter back to my mind again when I read that testimony.

Mr. LITTLEFIELD. It having brought it back to your mind, you volunteered this information?

Mr. BELL. Yes, sir.

Mr. LITTLEFIELD. That is all.

Senator POMERENE. I think that is all. Are you through with Mr. Bell?

Mr. LITTLEFIELD. Yes, sir.

The CHAIRMAN. You may be discharged, Mr. Bell.

FURTHER TESTIMONY OF ROBERT J. SHIELDS.

ROBERT J. SHIELDS, being recalled, was examined and testified as follows:

The CHAIRMAN. You have already been sworn, have you?

Mr. SHIELDS. Yes, sir.

The CHAIRMAN. You heard the statement just made by Mr. Bell in regard to a conversation which he says he had with you in West Baden, Ind., did you?

Mr. SHIELDS. I did; yes, sir.

The CHAIRMAN. State whether or not it is true.

Mr. SHIELDS. According to my recollection, I never talked with him about the Stephenson matter.

The CHAIRMAN. Have you any recollection on the subject?

Mr. SHIELDS. I have a recollection, yes, of talking with him.

The CHAIRMAN. Did you say to him that you had been up at Madison when Stephenson was elected, and that you had "pulled it off" or "brought it around" or "across" or any words to that effect?

Mr. SHIELDS. No, sir.

The CHAIRMAN. Did you make any claim to credit or responsibility for Senator Stephenson's election?

Mr. SHIELDS. To Mr. Bell?

The CHAIRMAN. Yes.

Mr. SHIELDS. No, sir.

The CHAIRMAN. At any time?

Mr. SHIELDS. At no time.

Mr. LITTLEFIELD. Did you tell him there were men up there holding out their hands?

Mr. SHIELDS. I did not talk with him about Senator Stephenson's election at all.

Mr. LITTLEFIELD. What were your relations with Mr. Bell, as to their being friendly or otherwise, and what have they been?

Mr. SHIELDS. They never have been very friendly.

Mr. LITTLEFIELD. And for how long a time has that been true?

Mr. SHIELDS. For several years.

Mr. LITTLEFIELD. And during those several years, what has been the condition between you as to your relations? Just explain that to the committee.

Mr. SHIELDS. We never had any relations of any kind, that I know of, except unfriendly relations.

Mr. LITTLEFIELD. Do you mean you had no social relations with each other during that period?

Mr. SHIELDS. Yes. Never.

Mr. LITTLEFIELD. Did you ever meet him and talk with him frequently?

Mr. SHIELDS. No. He has been in my office once or twice, to get an option on a dock at Ashland. I recall his coming in and asking for that once. But Mr. Bell and I have never been friendly. In fact, we have been rather unfriendly.

Mr. LITTLEFIELD. What was the occasion of that?

Mr. SHIELDS. He intended to start a mill or something at Ashland. A warehouse in Rutledge owned the property over there, and he wanted to know if I could get an option, and I said I would see what I could do about it.

Mr. LITTLEFIELD. What happened?

Mr. SHIELDS. Nothing came of it.

Mr. LITTLEFIELD. What did he say about it afterwards?

Mr. SHIELDS. I do not recall. It seems to me he got some other dock or some other place.

Mr. LITTLEFIELD. Is he a man with whom you are in the habit of talking, socially or intimately?

Mr. SHIELDS. No, sir.

Mr. LITTLEFIELD. Do you say you did see him at West Baden?

Mr. SHIELDS. Yes; I saw him there.

Mr. LITTLEFIELD. In 1910?

Mr. SHIELDS. I can not say as to the year. I saw him there once. He was there, ill. I recall his being there once when I was there.

Mr. LITTLEFIELD. Did you have any conversation with him at that time, that you remember?

Mr. SHIELDS. Yes, sir; I recall just what brought up the conversation.

Mr. LITTLEFIELD. What was it?

Mr. SHIELDS. The death of Frank H. Ruger, a lumberman at Superior. I got notice that he was dead, and told Bell; announced the death to him. He was a friend of Bell's, or an acquaintance of his.

Mr. LITTLEFIELD. Was anything said during that conversation other than to refer to the death of Mr. Ruger?

Mr. SHIELDS. I can not say whether or not anything else was said; but if I had any confidences, I would not repose them in him.

Senator POMERENE. Were you in West Baden in March, 1910?

Mr. SHIELDS. I can not say, Senator.

Senator POMERENE. You go down there every year, do you?

Mr. SHIELDS. I am there two or three times a year.

Senator POMERENE. You say you can not say whether or not you were in West Baden in March, 1910. Do you mean by that that you do not remember?

Mr. SHIELDS. I do not remember the date.

Senator POMERENE. You do not remember whether you were there or not?

Mr. SHIELDS. I remember I was there once; but when it was I do not remember. I do not remember the date.

Senator POMERENE. Were you there a year ago this last spring?

Mr. SHIELDS. I do not know.

Senator POMERENE. Was that the time when you met him?

Mr. SHIELDS. I do not know that. I do not know the date.

Senator POMERENE. Were you taking mineral water at that time? [Laughter.]

Mr. SHIELDS. Yes.

Senator POMERENE. You were on the "water wagon?"

Mr. SHIELDS. Yes, sir. [Laughter.] I go there frequently; two or three times a year.

Senator POMERENE. Did you have a talk with him about the senatorial election, in Madison?

Mr. SHIELDS. No, sir.

Senator POMERENE. Do you say that positively, or do you say that you do not remember?

Mr. SHIELDS. Well, I credit myself with not discussing questions with him. What I mean by that is that I do not talk with Mr. Bell.

Senator POMERENE. Was there anything about this that you should not discuss?

Mr. SHIELDS. Not particularly; no. But I do not talk with him at all.

Senator POMERENE. What do you mean by "not particularly?"

Mr. SHIELDS. I mean that I do not meet Mr. Bell and talk with him or discuss questions with him. I told him about this death, and he seemed surprised. He had some friend with him down there—I do not know who it was—and I presume he imparted the information to him. He was another resident from Superior.

Senator POMERENE. Do you wish us to understand that you had no talk whatsoever with him on the subject of the election of Senator Stephenson, at Madison?

Mr. SHIELDS. I did not meet him at Madison. You mean in relation to—

Senator POMERENE. Did you have any talk with him about the election of Senator Stephenson, at Madison?

Mr. SHIELDS. I never talked with Mr. Bell on the question of the election of Senator Stephenson at any time or at any place.

Senator POMERENE. Did you ever discuss with him the subject of these three Democrats staying out of the joint session?

Mr. SHIELDS. No, sir.

Senator POMERENE. You said nothing on that subject at all?

Mr. SHIELDS. No, sir; I never mentioned it to him.

The CHAIRMAN. Do you know a man named David E. Cuppernull, editor and publisher of the Virginian, the official paper of the city of Virginia and village of Mount Iron? It is entered at the post office at Virginia, Minn. Do you know that man?

Mr. SHIELDS. No, sir.

The CHAIRMAN. Did you ever hear of him?

Mr. SHIELDS. No, sir.

The CHAIRMAN. Do you know a man by the name of R. J. Montague, of Virginia, Minn.?

Mr. SHIELDS. No, sir.

The CHAIRMAN. The committee is in receipt of a letter which states that this man, David E. Cuppernull, made a statement to R. J. Montague that when he and his wife (that is, the party making the statement) were at the West Baden Hotel, Indiana, "where Shields was"—I shall not repeat some of the language, because it is not necessary—Shields took out of his coat pocket several large packages of money and waved them over his head and shouted: "Here is \$7,000 of Stephenson's money." Did such a thing ever occur, Mr. Shields?

Mr. SHIELDS. No, sir. No such thing ever occurred.

The CHAIRMAN. Did you ever have \$7,000 of Senator Stephenson's money, or money that came from Senator Stephenson, under any circumstances?

Mr. SHIELDS. No, sir; I never did.

The CHAIRMAN. I am reading this letter to avoid the possible occasion for bringing these people such a distance.

Mr. LITTLEFIELD. Will you give us the name of the man who wrote the letter, Mr. Chairman?

The CHAIRMAN. I have done so. It is R. J. Montague.

Mr. LITTLEFIELD. R. J. Montague wrote the letter?

The CHAIRMAN. Yes. I will hand the letter to counsel in a moment.

Mr. LITTLEFIELD. Thank you.

The CHAIRMAN. Do you know any of these parties? Do you know Mr. Montague?

Mr. SHIELDS. No, sir.

The CHAIRMAN. Mr. Montague is the party who claims that the statement was made to him, and he signs the letter. It is one of the few signed letters we have received. I have a little package of unsigned letters here in regard to this case.

Mr. LITTLEFIELD. Yes. The anonymous letter writers have been busy.

The CHAIRMAN. The United States post office has benefited somewhat through that kind of business. But an anonymous letter does not receive consideration.

Mr. LITTLEFIELD. I hope not.

The CHAIRMAN. It is claimed that Mr. Shields was waving this money in the air, and making this statement to the world at large. Is there any foundation for such a statement, Mr. Shields?

Mr. SHIELDS. Absolutely none, Senator.

Mr. LITTLEFIELD. May I see that letter, Mr. Chairman?

The CHAIRMAN. Certainly [handing letter to counsel].

Is Albert H. Lambeck present?

Mr. LITTLEFIELD. Yes; he is.

I think this ought to appear in connection with the examination, if the committee please. Mr. Montague says he talked this over recently with Mr. Cuppernull, and Mr. Cuppernull said he could not recognize Shields, or say positively it was Shields.

The CHAIRMAN. Yes; that might be stated in connection with this matter.

Mr. LITTLEFIELD. It seems that Montague was trying to refresh the recollection of Cuppernull. Montague says he recently called the attention of Cuppernull to this matter, with the suggestion that he had better report as a witness; but Cuppernull says he could not recognize Shields, or say positively it was Shields. I think that ought to go into the record.

The CHAIRMAN. Yes. I just received the letter, and thought I had better mention it. The identity seems to be rather hazy.

Mr. LITTLEFIELD. Yes; Cuppernull does not seem to be very dangerous.

The CHAIRMAN. That is all, Mr. Shields.

Mr. SHIELDS. May I be excused, Mr. Chairman?

The CHAIRMAN. You are excused from further attendance.

Mr. LITTLEFIELD. We may want you again, Mr. Shields. I can not tell when some other fellow may write a letter.

The CHAIRMAN. Counsel has two witnesses whose examination was not finished?

Mr. LITTLEFIELD. Yes, Mr. Chairman.

Mr. CHAIRMAN. Mr. Lambeck, you may take the stand.

TESTIMONY OF ARTHUR H. LAMBECK—Resumed.

ARTHUR H. LAMBECK, having been previously sworn, was recalled for further examination, and testified as follows:

The CHAIRMAN. Mr. Lambeck is with you to complete your cross-examination, Mr. Littlefield.

Mr. LITTLEFIELD. Yes, Mr. Chairman.

Mr. Lambeck, you say that you were engaged in an office other than that occupied by Mr. Sacket?

Mr. LAMBECK. Yes, sir.

Mr. LITTLEFIELD. What was the kind of work you were doing? What was the bulk of the work you were doing? Did it keep you at the desk quite a portion of the time?

Mr. LAMBECK. Yes; I was at the desk a good deal of the time.

Mr. LITTLEFIELD. You were in and out of the other offices?

Mr. LAMBECK. Oh, yes.

Mr. LITTLEFIELD. On the average, about how much of the time would you be in the office occupied by Mr. Sacket while Mr. Sacket was there doing his part of the business?

Mr. LAMBECK. I should say I was not in his office working with him more than an hour a day.

Mr. LITTLEFIELD. All the time you would be in his office would be about an hour a day, on the average?

Mr. LAMBECK. On the average, yes. It would be because of some matter of consultation, or something like that.

Mr. LITTLEFIELD. And the balance of the day you would be in your own office?

Mr. LAMBECK. I would be in my own office; yes.

Mr. LITTLEFIELD. Without any opportunity to see what Mr. Sacket was doing?

Mr. LAMBECK. That is right.

Mr. LITTLEFIELD. So that he had about eight or ten hours during which he could have destroyed these cards without your being present at all?

Mr. LAMBECK. Yes, sir.

Mr. LITTLEFIELD. That is all.

The CHAIRMAN. You reserved Mr. Wood for further cross-examination, Mr. Littlefield?

Mr. LITTLEFIELD. Yes.

TESTIMONY OF H. W. WOOD—Resumed.

H. W. WOOD, having been previously sworn, was recalled for further examination, and testified as follows:

Mr. LITTLEFIELD. You stated when you were on the stand the other day that you had been ordered out of the Plankinton House. I do not know that you fixed the date. Can you fix the date, approximately?

Mr. WOOD. I never was ordered out. I was asked to stay out.

Mr. LITTLEFIELD. You were asked to stay out?

Mr. WOOD. Yes.

Mr. LITTLEFIELD. Was it not sometime in April, 1910? I show you now an envelope which may refresh your recollection. Look at the back of it and then turn it over and look at the front of it [handing envelope to witness].

Mr. WOOD. I do not remember the date at all.

Mr. LITTLEFIELD. After having seen this envelope, do you say that it was not in April, 1910?

Mr. WOOD. I could not remember the time that this happened.

Mr. LITTLEFIELD. Who ordered you out, or told you to stay out? Mr. Hyde?

Mr. WOOD. A man by the name of Elmer Hyde.

Mr. LITTLEFIELD. What was he? The house detective?

Mr. WOOD. He was night watchman, or house detective.

Mr. LITTLEFIELD. Did he tell you why you were to keep out of the house?

Mr. WOOD. He told me he thought it was on account of two women that were stopping there.

Mr. LITTLEFIELD. Did he not tell you it was because you had attempted to blackmail some guests in the house?

Mr. WOOD. No, sir.

Mr. LITTLEFIELD. You say he did not?

Mr. WOOD. He did not.

Mr. LITTLEFIELD. There were two women stopping there, were there?

Mr. WOOD. There were, as I understood; yes.

Mr. LITTLEFIELD. You look at that, and read it [handing paper to the witness].

Mr. WOOD. I know nothing about that at all.

Mr. LITTLEFIELD. You do not know anything about it?

Mr. WOOD. No, sir; I do not.

Mr. LITTLEFIELD. It is not in your handwriting?

Mr. WOOD. It is not.

Mr. LITTLEFIELD. And it did not come from you?

Mr. WOOD. No, sir.

Mr. LITTLEFIELD. And, as a result of it, one of these women, of whom you speak, did not visit your office? Do you swear to that?

Mr. WOOD. I did not have an office at that time.

Mr. LITTLEFIELD. Well, did she not visit your house?

Mr. WOOD. No, sir.

Mr. LITTLEFIELD. You say she did not?

Mr. WOOD. Yes, sir.

Mr. LITTLEFIELD. You say there were two women stopping at the house. What women do you have in your mind? Was one of them named Mrs. Kellogg, or did she go by that name?

Mr. WOOD. I do not know whether that was the name or not.

Mr. LITTLEFIELD. Will you swear it was not?

Mr. WOOD. I do not remember what the names were at all.

Mr. LITTLEFIELD. Will you swear that one of the women——

The CHAIRMAN (interposing). I think that has gone far enough.

Mr. LITTLEFIELD. Very well. I will ask him this:

As a result of sending this note, did not Mrs. Kellogg come to your house, and did not——

The CHAIRMAN (interposing). Counsel will refrain from pursuing that subject further. The committee is not going to pass upon the relations between this detective and any other person, except parties to this investigation.

Mr. LITTLEFIELD. I offer it only as bearing upon the integrity and character of this witness.

The CHAIRMAN. It will not be received.

Mr. LITTLEFIELD. Very well. Mr. Wood, do you know a man named James A. Prinz?

Mr. WOOD. Yes; I know a man by that name.

Mr. LITTLEFIELD. Did you have any conversation with him within the last two or three weeks?

Mr. WOOD. I have talked with him; I have spoken with him.

Mr. LITTLEFIELD. Did you not tell him within the last two weeks, near the Plankinton House that you did not believe Mr. Regan knew anything about the Stephenson matter?

Mr. WOOD. I did not make any such remark as that.

Mr. LITTLEFIELD. You did not?

Mr. WOOD. No, sir.

Mr. LITTLEFIELD. You know him well?

Mr. WOOD. Yes; I know him.

Mr. LITTLEFIELD. Did you have a conversation with him about that time near the Plankinton House in Milwaukee?

Mr. WOOD. Yes; I talked with him there.

Mr. LITTLEFIELD. Was the subject matter of the Stephenson case or Mr. Regan under discussion?

Mr. WOOD. Mr. Regan was spoken of; yes.

Mr. LITTLEFIELD. And you did not tell him that you did not believe Mr. Regan knew anything about it?

Mr. WOOD. I did not make that remark.

Mr. LITTLEFIELD. Or anything that was in substance like that?

Mr. WOOD. Not leading to that remark.

Mr. LITTLEFIELD. Did you state anything that was in substance to that effect?

Mr. WOOD. I might have stated that I did not believe Mr. Regan had done what he was accused of.

Mr. LITTLEFIELD. Did you state that? Is that your recollection?

Mr. WOOD. That is my recollection.

Mr. LITTLEFIELD. Is it your recollection now that you stated to him that you did not believe Mr. Regan had done what he was accused of?

Mr. WOOD. Yes, sir.

Mr. LITTLEFIELD. That is what you remember stating to Mr. Prinz within the last week?

Mr. WOOD. Yes, sir.

Mr. LITTLEFIELD. On the stand the other day you stated that you made no note of the conversation that took place in Mr. Souther's office. Do you want to withdraw that statement?

Mr. WOOD. I remembered the other day putting down the date, but I did not remember writing down any of the substance.

Mr. LITTLEFIELD. You stated in so many words that you did not make any note of the conversation. I ask you now whether you want to withdraw that statement?

Mr. WOOD. If I made that statement I must withdraw it, because it is written down in the little book you have.

Mr. LITTLEFIELD. It is a memorandum book. Is this in your handwriting?

Mr. WOOD. It is.

Mr. LITTLEFIELD. When was it written?

Mr. WOOD. December 31, 1909, 7 p. m.

Mr. LITTLEFIELD. Where?

Mr. WOOD. It was written at the office of Mr. Souther in the Merrill Building.

Mr. LITTLEFIELD. You wrote it right in the office?

Mr. WOOD. Yes.

Mr. LITTLEFIELD. While Mr. Regan was present?

Mr. WOOD. No, sir.

Mr. LITTLEFIELD. You waited until he left?

Mr. WOOD. Yes.

Mr. LITTLEFIELD. Was Mr. Souther there?

Mr. WOOD. He was.

Mr. LITTLEFIELD. Did Mr. Souther see you write this?

Mr. WOOD. He must have, because he was in the office.

Mr. LITTLEFIELD. Did he see you write it, or did he know that you were making a note?

Mr. WOOD. He was standing around in the office where I was writing this note. I was not watching him.

Mr. LITTLEFIELD. Did Mr. Souther make any notes at the same time?

Mr. WOOD. I do not know whether he did at the same time or not.

Mr. LITTLEFIELD. Since you made it have you ever refreshed your recollection from this note?

Mr. WOOD. In regard to what?

Mr. LITTLEFIELD. Since you made it, have you ever refreshed your recollection from this note?

Mr. WOOD. No, sir; I can not say I have, until I found it the other evening.

Mr. LITTLEFIELD. Have you ever seen it since you wrote it on December 31, 1909?

Mr. WOOD. I do not remember seeing it after I carried it a few days, maybe, and put it away.

Mr. LITTLEFIELD. You never have looked at it since?

Mr. WOOD. No, sir.

Mr. LITTLEFIELD. What are those stenographic notes that appear at the head of that memorandum? What do they mean?

Mr. WOOD. I do not know that they mean anything at all.

Mr. LITTLEFIELD. Are they stenographic notes?

Mr. WOOD. Not that I know of. I can not write shorthand.

Mr. LITTLEFIELD. You do not know what they are?

Mr. WOOD. No, sir.

Mr. LITTLEFIELD. When was the first line of this memorandum written? Was it written at the same time that the rest of it was?

Mr. WOOD. Yes, sir.

Mr. LITTLEFIELD. With the same pen?

Mr. WOOD. It must have been; yes.

Mr. LITTLEFIELD. With the same ink?

Mr. WOOD. Yes, sir.

Mr. LITTLEFIELD. It was?

Mr. WOOD. I do not know that I used but the one pen.

Mr. LITTLEFIELD. You are just as sure of that as you are of any part of it; are you not?

Mr. WOOD. I do not remember using but one pen.

Mr. LITTLEFIELD. How do you spell the word "accept"?

Mr. WOOD. Well, it ought to have two c's in it.

Mr. LITTLEFIELD. Spell it.

Mr. WOOD. A-c-c-e-p-t.

Mr. LITTLEFIELD. Is that the way you spell it?

Mr. WOOD. That is the way I would spell it now.

Mr. LITTLEFIELD. Is that the way you have been spelling it for the last two or three years?

Mr. WOOD. I do not know. I might misspell it one day and spell it right the next.

Mr. LITTLEFIELD. How often do you spell it e-x-p-e-c-t?

Mr. WOOD. I do not know.

Mr. LITTLEFIELD. Did you spell it that way when you made this note?

Mr. WOOD. I can not tell you until I look at it.

Mr. LITTLEFIELD. You do not remember?

Mr. WOOD. No, sir.

Mr. LITTLEFIELD. Who was the "A" that was referred to in this memorandum?

Mr. WOOD. Let me take it, and I will tell you. [After referring to memorandum:] It was Mr. Regan.

Mr. LITTLEFIELD. Who was the "judge" that is referred to in this memorandum?

Mr. WOOD. Mr. Ryan, at Waukesha.

Mr. LITTLEFIELD. Was he a judge?

Mr. WOOD. He had been. I do not know whether he was at that time or not.

Mr. LITTLEFIELD. He was called "judge," I take it?

Mr. WOOD. Yes.

Mr. LITTLEFIELD. How do you spell the word "certain"?

Mr. WOOD. S-e-r-t-i-n, I suppose.

Mr. LITTLEFIELD. Is that the way you spell it?

Mr. WOOD. That is the way I would spell it now.

Mr. LITTLEFIELD. The man who wrote this memorandum spelled it "sertain." You say Mr. Ryan was a judge.

Mr. WOOD. That was my understanding.

Mr. LITTLEFIELD. When did you first hear he was a judge?

Mr. WOOD. I always heard him spoken of as "judge."

Mr. LITTLEFIELD. By whom?

Mr. WOOD. By Mr. Regan.

Mr. LITTLEFIELD. He referred to him as Judge Ryan?

Mr. WOOD. Yes.

Mr. LITTLEFIELD. That is where you get your authority for the "judge"?

Mr. WOOD. Yes.

Mr. LITTLEFIELD. Did you have any knowledge about it outside of Mr. Regan's statement?

Mr. WOOD. I think I have heard other people call him "judge."

Mr. LITTLEFIELD. Do you deny the statement Mr. Regan made on the stand about what you proposed to do in connection with this investigation?

Mr. WOOD. What part of it?

Mr. LITTLEFIELD. All of it, when he said he was sitting down here with you on the rail.

Mr. WOOD. Yes; and I would like to repeat to you what he said, sitting on the rail, if his honor will allow me to repeat the words he spoke.

Mr. LITTLEFIELD. I have asked you all the questions I want to ask you. That is all.

The CHAIRMAN. If the words are profane or unfit for speech, it is not necessary to repeat them.

Mr. LITTLEFIELD. I do not know anything about them.

Senator POMERENE. Just relate that conversation as you understood it.

Mr. WOOD. Without repeating the exact words that he used?

Senator POMERENE. Give the substance of it as nearly as you can, except that if there was profanity, as the chairman has suggested, we do not care for it.

Mr. WOOD. There was profanity attached to it; yes, sir.

Senator POMERENE. Can you not state it without stating the profanity?

Mr. WOOD. I can; yes, sir. I can state it and leave that part of it out.

Senator POMERENE. I fear that would not be very illuminating on this subject.

Mr. WOOD. We were standing around back of the post office. I said to him, "Now, Mr. Regan, you are going to be called as a witness, and I have repeated your statement," and I said, "Now, what are you going to do about it?" He said, "I am going to deny every part of it from A to Z, for the La Follette gang are a crooked bunch, and I am not going to give them one word that is going to help them." I said to him, "If you are called, and you deny this statement you made to me, I am going to be called as a witness. I am sure of that from the evidence Lieut. Gov. Morris gave on the stand; I will be called." I said, "What am I going to do when they ask me these questions? They have my statement." He said, "Do as the rest of them have done on the stand; say you don't remember." That was the way I was to get around answering the questions and telling what he had said to me—that I should not remember it.

Mr. LITTLEFIELD. Did you tell Mr. Henning when you went to him that you had been offered employment by the La Follette people, or "the La Follette gang," but that you preferred to get the employment from Mr. Black?

Mr. WOOD. I do not see how I could say that.

Mr. LITTLEFIELD. I did not ask you how you could see. You saw Mr. Henning?

Mr. WOOD. Yes.

Mr. LITTLEFIELD. What I asked you is if you did not tell him that in substance.

Mr. WOOD. No; I did not.

Mr. LITTLEFIELD. That settles it. That is all. You know him?

Mr. WOOD. I do; yes, sir.

Senator POMERENE. For the sake of identification, I think you had better get his first name.

Mr. LITTLEFIELD. Mr. Wood knows who he is. What is his given name? He is an attorney here in town.

Mr. BLACK. E. J. Henning.

Mr. LITTLEFIELD. He is the man; is he not?

Mr. WOOD. I presume so. He is in the office with Mr. McGee.

Mr. LITTLEFIELD. You have not any doubt about it? You know the man that you talked with?

Mr. WOOD. I have seen Mr. Henning.

Mr. LITTLEFIELD. It is E. J. Henning?

Mr. WOOD. I do not know what his initials are.

Mr. LITTLEFIELD. Describe him. Is he a stout, thick-set man?

Mr. WOOD. Yes.

Mr. LITTLEFIELD. With a smooth face?

Mr. WOOD. He is standing right back there now.

Mr. LITTLEFIELD. That is all right. That is all.

The CHAIRMAN. I think that is all.

Senator POMERENE. Mr. Littlefield, there is one matter that I feel I ought to call to your attention. You referred a few moments ago to the letter "A" in that memorandum.

Mr. LITTLEFIELD. Yes.

Senator POMERENE. It looks to me as though it is an "R."

Mr. LITTLEFIELD. Mr. Wood did not disagree with me on its being "A."

Senator POMERENE. I wish you would look at it again. It seems to me it is "R."

Mr. LITTLEFIELD (after examining memorandum). It might be either. It struck me as being "A."

Senator POMERENE. Mr. Wood, I wish you would take that memorandum and refer to the letter. You used an initial. What letter of the alphabet is that?

Mr. WOOD. Do you mean in designating——

Senator POMERENE. Counsel called your attention to a certain letter and asked you who the "A" was intended for, and you said for Mr. Regan. Look that over. Is that an "A" or an "R"?

Mr. WOOD. It is an "A."

The CHAIRMAN. You are excused.

Although the hour of adjournment has arrived, the committee desire to sit a little longer in order that we may hear the testimony of Mr. Clary.

TESTIMONY OF T. L. CLARY.

T. L. CLARY, having been duly sworn, was examined and testified as follows:

The CHAIRMAN. How do you spell your name?

Mr. CLARY. I spell it C-l-a-r-y.

The CHAIRMAN. It is not spelled C-l-e-a-r-y?

Mr. CLARY. No, sir.

The CHAIRMAN. Were you a member of the firm of Cleary & Plumb?

Mr. CLARY. No, sir.

The CHAIRMAN. On page 2249 of the Senate report I find an item of \$450 referred to as having been paid to you, or to Mr. Cleary. Did you receive \$450 from the Stephenson campaign fund?

Mr. CLARY. No, sir.

The CHAIRMAN. Did any business or association of which you were a member receive that money?

Mr. CLARY. No, sir.

The CHAIRMAN. Or any part of it?

Mr. CLARY. No, sir.

The CHAIRMAN. Did you expend any money on behalf of Senator Stephenson in that campaign?

Mr. CLARY. No, sir.

The CHAIRMAN. You are not a member of that firm, and you did not spend any yourself or receive any yourself?

Mr. CLARY. No, sir.

The CHAIRMAN. Do you know why your name should have appeared here in connection with these expenditures?

Mr. CLARY. I could not say.

Mr. BLACK. Mr. Chairman, Mr. Knell told me that this is the wrong man.

The CHAIRMAN. Are you a railroad engineer?

Mr. CLARY. No, sir.

The CHAIRMAN. Then you are not the man you are supposed to be. Mr. Cleary was a railroad engineer, and it appears was recommended to Mr. Knell for railroad work.

Mr. CLARY. I am a railroad conductor, and have always been. My name is T. L. Clary, and I live at 656½ Thirty-fifth Street.

The CHAIRMAN. You are excused. The committee regrets that it has put you to the trouble of attending.

Mr. CLARY. Thank you.

The CHAIRMAN. At this time I desire to make a statement on behalf of the committee. There remain yet to be examined only four witnesses upon the list of those subpoenaed. Their examination will take probably but a short time. There is an alternative list here of probably half a dozen more. It is evident that we are about at the end of this investigation so far as the public hearings are concerned.

In view of the fact that the people of this city are honored by the presence of the President of the United States from this evening until to-morrow evening, the committee feel that it is right and proper that they should be untrammelled and free to visit with him. The committee, therefore, will stand adjourned until Monday morning, October 30, 1911, at 10 o'clock a. m.

(Whereupon, at 4 o'clock and 35 minutes p. m., the subcommittee adjourned until Monday, October 30, 1911, at 10 o'clock a. m.)

MONDAY, OCTOBER 30, 1911.

FEDERAL BUILDING, MILWAUKEE, WIS.,
Monday, October 30, 1911.

The subcommittee met at 10 o'clock a. m.

Present: Senators Heyburn (chairman) and Pomerene.

Present also: Mr. C. E. Littlefield, Mr. W. E. Black, and Mr. H. H. J. Upham, counsel for Senator Isaac Stephenson.

TESTIMONY OF F. C. MELOY.

F. C. MELOY, having been duly sworn, was examined and testified as follows:

Senator POMERENE. Where do you live?

Mr. MELOY. Milwaukee.

Senator POMERENE. What is your business?

Mr. MELOY. I am a dentist.

Senator POMERENE. Are you practicing here in the city?

Mr. MELOY. I am.

Senator POMERENE. How long have you been here in the city?

Mr. MELOY. Twenty-five years.

Senator POMERENE. It has come to our knowledge that you made a statement a few days ago that you knew of one of the witnesses who appeared here before this committee who testified that he had not received any money, when as a matter of fact he had received money in connection with this matter. Is that correct?

Mr. MELOY. I do not know. I saw something about it in the paper. Somebody told me that he had not received any money and I asked him about it, and he said yes, that he got some money. I do not know whether he testified here or not. I have not followed the case.

Senator POMERENE. Did he state from whom he got some money?

Mr. MELOY. I met him on Broadway, and I said:

I see by the paper that you got \$500 in connection with the election of Senator Stephenson.

He said:

I did get some money. I have got to have money to go out and tell the good qualities of the old gentleman, and he has many.

and that is about the gist of the conversation. That was two years ago.

Senator POMERENE. Was that man on the witness stand?

Mr. MELOY. I do not know. I can give you his name.

Senator POMERENE. What is his name?

Mr. MELOY. Richard White.

Mr. LITTLEFIELD. He testified to receiving \$500, \$300 of which was for his services.

Senator POMERENE. He did testify that he received money and that he had been active in Senator Stephenson's campaign.

Mr. LITTLEFIELD. My recollection is that the amount was \$500.

Senator POMERENE. He is the man to whom you referred, Mr. Meloy?

Mr. MELOY. He is the man to whom I referred.

Senator POMERENE. It came to our knowledge that you said that this man had testified he had not received the money, when your information was to the contrary—that he had received money.

Mr. MELOY. Then they misunderstood me.

Mr. LITTLEFIELD. When did this conversation take place?

Mr. MELOY. I do not know. It was a couple of years ago. I can not recall.

Mr. LITTLEFIELD. To whom did you repeat it?

Mr. MELOY. I do not know, but I probably met somebody the other day. I do not recall just who it was, but probably there was something said about it.

Mr. LITTLEFIELD. To whom did you speak about it the other day?

Mr. MELOY. I can not recall. I do not remember. Probably there was somebody, but I do not know whether there was or not.

Mr. LITTLEFIELD. Somebody in your office?

Mr. MELOY. No; it was on the street.

Mr. LITTLEFIELD. That is all.

Mr. BLACK. Five hundred dollars was the amount that Mr. White testified to having received.

The CHAIRMAN. There is no controversy about that.

Mr. LITTLEFIELD. No.

TESTIMONY OF ADOLPH ROSENHEIN.

ADOLPH ROSENHEIN, having been previously sworn, was examined and testified as follows:

The CHAIRMAN. You have been sworn in this matter?

Mr. ROSENHEIN. Yes.

The CHAIRMAN. Did you do work for Senator Stephenson in Milwaukee County or in the city of Milwaukee in the summer or fall of 1908?

Mr. ROSENHEIN. Yes.

The CHAIRMAN. What were you to do?

Mr. ROSENHEIN. I distributed literature for Senator Stephenson in the fifteenth ward.

The CHAIRMAN. You received \$325 from Mr. Knell?

Mr. ROSENHEIN. Yes.

The CHAIRMAN. Did you take charge of the fifteenth ward?

Mr. ROSENHEIN. Yes; the fifteenth ward and Center city. That is in the outskirts, out of the city.

The CHAIRMAN. Did you receive any personal compensation for the work that you did?

Mr. ROSENHEIN. No, sir.

The CHAIRMAN. What did you do with the money?

Mr. ROSENHEIN. I paid out \$105 to the workers, and the rest I spent in the saloons wherever I went.

The CHAIRMAN. What did you employ these workers to do?

Mr. ROSENHEIN. To do the work on primary day.

The CHAIRMAN. What is that work?

Mr. ROSENHEIN. To dish out the cards for people coming around.

The CHAIRMAN. Was any of this money used for the purpose of bribing or corrupting any elector in the interest of Senator Stephenson?

Mr. ROSENHEIN. No, sir.

The CHAIRMAN. You kept close watch on the expenditure of the money?

Mr. ROSENHEIN. Yes.

The CHAIRMAN. You spent some of it in your own saloon?

Mr. ROSENHEIN. I did.

The CHAIRMAN. How much?

Mr. ROSENHEIN. That I could not tell.

The CHAIRMAN. Half of it?

Mr. ROSENHEIN. Oh, no; not in my saloon. The most of it went on the outskirts.

The CHAIRMAN. Would you say that you spent as much as \$25 in your own saloon?

Mr. ROSENHEIN. It might be. I could not tell.

The CHAIRMAN. Would it be \$50?

Mr. ROSENHEIN. I could not tell.

The CHAIRMAN. It was not \$300?

Mr. ROSENHEIN. No, sir.

The CHAIRMAN. You spent that money for treats?

Mr. ROSENHEIN. Yes.

The CHAIRMAN. Treating people who came into the saloons?

Mr. ROSENHEIN. Yes.

The CHAIRMAN. You spent some of it in other saloons?

Mr. ROSENHEIN. Yes, sir.

The CHAIRMAN. You have no idea how much you spent in saloons?

Mr. ROSENHEIN. I could not tell you. I know I spent it.

Mr. LITTLEFIELD. Was any of the money that was intrusted to you, or used by you, expended for the purpose of bribing or unlawfully corrupting any of the voters in the primary election in the interest of Senator Stephenson?

Mr. ROSENHEIN. No, sir.

Senator POMERENE. Did I understand you to say that you expended \$105 for workers?

Mr. ROSENHEIN. Yes.

Senator POMERENE. And you got how much?

Mr. ROSENHEIN. \$325.

Senator POMERENE. That would leave \$220. What did you do with that?

Mr. ROSENHEIN. I spent that.

Senator POMERENE. In saloons?

Mr. ROSENHEIN. Yes; in saloons, handing out cards, and so on.

Senator POMERENE. Did you keep any of it for yourself?

Mr. ROSENHEIN. No, sir.

Senator POMERENE. Then \$220 was spent in saloons?

Mr. ROSENHEIN. Expended in that way, during the primaries.

Mr. LITTLEFIELD. Did you spend it for the purchase of beer and liquors in saloons, or for distributing and hanging up literature?

Mr. ROSENHEIN. Yes; that is what I paid out, to some of the fellows that I had around. Of course it was spent in the saloons.

Mr. LITTLEFIELD. In what way?

Mr. ROSENHEIN. If you go into a saloon and you want to hang up literature, you can not do it without spending something. You have got to leave some money there.

Mr. LITTLEFIELD. You say that under the custom you could not go into a saloon and hang up literature without spending some money in the saloon?

Mr. ROSENHEIN. That is right.

Mr. LITTLEFIELD. Did you hang up literature and post lithographs in all of these saloons?

Mr. ROSENHEIN. Yes; everywhere I went in the fifteenth ward and in Center City.

Mr. LITTLEFIELD. And you say that under the custom it can not be done without spending some money in the saloons?

Mr. ROSENHEIN. It can not be done without spending some money in the saloons.

Mr. LITTLEFIELD. In a sense it is compensation for the privilege of hanging up literature?

Mr. ROSENHEIN. Yes.

Mr. LITTLEFIELD. That is all.

TESTIMONY OF H. R. PESTALOZZI.

H. R. PESTALOZZI, having been previously sworn, was examined and testified as follows:

The CHAIRMAN. Have you been sworn?

Mr. PESTALOZZI. Yes, sir.

The CHAIRMAN. Do you remember the campaign of 1908-9?

Mr. PESTALOZZI. Yes, sir.

The CHAIRMAN. When Senator Stephenson was a candidate for election to the United States Senate?

Mr. PESTALOZZI. Yes, sir.

The CHAIRMAN. Did anybody attempt to bribe you in that campaign?

Mr. PESTALOZZI. No, sir.

The CHAIRMAN. The senate committee found that—

Hasso R. Pestalozzi, a jeweler of 94 Wisconsin Street, Milwaukee, a prominent Italian of that city, was a supporter of McGovern for United States Senator in the primary.

Was that true?

Mr. PESTALOZZI. Yes, sir.

The CHAIRMAN. That—

About two weeks before the primary a Mr. Vandersee came to him and said that he was a great friend of Stephenson and was very much interested in his campaign.

Is that so?

Mr. PESTALOZZI. Yes, sir.

The CHAIRMAN.

He said he wanted Pestalozzi to go to Kenosha and Racine and up into the northern part of the State to work for Stephenson.

Is that true?

Mr. PESTALOZZI. Yes, sir.

The CHAIRMAN.

Pestalozzi told him he could not do so, as his word was pledged to McGovern.

Is that so?

Mr. PESTALOZZI. Yes, sir.

The CHAIRMAN.

Vandersee said there was a good piece of money in it for him, from \$1,000 to \$2,500, if he would support Stephenson.

Is that true?

Mr. PESTALOZZI. Yes, sir.

The CHAIRMAN.

Later Mr. Murphy came to Pestalozzi and made the same proposition as to money, if he, Pestalozzi, would drop McGovern and go out and work for Stephenson and cover the Italian vote all over the State.

Is that so?

Mr. PESTALOZZI. Yes, sir.

The CHAIRMAN.

One day Mr. Edmonds came to Mr. Pestalozzi and asked him the same thing, whether he would not support Stephenson.

Is that so?

Mr. PESTALOZZI. Yes, sir.

The CHAIRMAN.

Pestalozzi told him he could not do so. Mr. Edmonds then told him: "The money proposition that was made to you is all right."

Is that so?

Mr. PESTALOZZI. No, sir.

The CHAIRMAN. That is not true?

Mr. PESTALOZZI. No, sir.

The CHAIRMAN. You said all of the other statements were true?

Mr. PESTALOZZI. Yes, sir.

The CHAIRMAN. This is the first one that is not true?

Mr. PESTALOZZI. Yes, sir.

The CHAIRMAN.

Pestalozzi refused to accept the proposition and continued to support McGovern. Later Mr. Edmonds came to see him again and wanted him to come over to his, Edmonds's, office. This Pestalozzi refused to do.

Is that so?

Mr. PESTALOZZI. Yes, sir.

The CHAIRMAN. That is true?

Mr. PESTALOZZI. That is true.

Mr. LITTLEFIELD. Will the chairman give me the page he is reading from?

The CHAIRMAN. I was reading from page 2263, and I was reading all that there is in the report in regard to it.

Did Mr. Vandersee tell you he was authorized to make this proposition to you?

Mr. PESTALOZZI. No, sir.

The CHAIRMAN. He did not claim to do it on the authority of Senator Stephenson or Mr. Edmonds or anybody representing Senator Stephenson, did he?

Mr. PESTALOZZI. He did not.

The CHAIRMAN. You say "Mr. Vandersee." Do you know his first name?

Mr. PESTALOZZI. I do not.

The CHAIRMAN. Who is he?

Mr. PESTALOZZI. I do not know him. He came up to my office occasionally. I do not know where he is or what he was.

The CHAIRMAN. You do not know what he does?

Mr. PESTALOZZI. No, sir.

The CHAIRMAN. Nor where he lives?

Mr. PESTALOZZI. No, sir.

The CHAIRMAN. You do not know whether he was representing Senator Stephenson or anybody that was representing Senator Stephenson?

Mr. PESTALOZZI. I do not.

The CHAIRMAN. Did he tell you he was?

Mr. PESTALOZZI. No; he did not.

The CHAIRMAN. He was just speculating with you, then, was he, as to what, in his judgment, you could do?

Mr. PESTALOZZI. I can not say that.

The CHAIRMAN. Now, we will take the next man. Have you ever seen Mr. Vandersee since?

Mr. PESTALOZZI. On the street, once or twice.

The CHAIRMAN. Recently?

Mr. PESTALOZZI. No; I saw him after the senate investigation.

The CHAIRMAN. Mr. Vandersee was not a witness, was he?

Mr. LITTLEFIELD. No; I do not think he was a witness.

The CHAIRMAN. He was not before either committee?

Mr. BLACK. No.

The CHAIRMAN. He told you he was a great friend of Senator Stephenson's, did he?

Mr. PESTALOZZI. Yes, sir.

Mr. LITTLEFIELD. Who is this—Vandersee?

The CHAIRMAN. Yes; we shall have to inquire of Senator Stephenson whether he knows him. Who was the Mr. Murphy that came to you and made a proposition similar to that made by Vandersee?

Mr. PESTALOZZI. He has an office at the same place to-day where he was then—94 Wisconsin Street, upstairs.

The CHAIRMAN. What does he do?

Mr. PESTALOZZI. To the best of my knowledge he is a money lender.

The CHAIRMAN. A money lender?

Mr. PESTALOZZI. Yes.

The CHAIRMAN. What is his first name?

Mr. PESTALOZZI. Lawrence.

The CHAIRMAN. Lawrence?

Mr. PESTALOZZI. Yes.

The CHAIRMAN. He proposed that if you would drop McGovern and work for Stephenson and cover the Italian vote the proposition made by Vandersee would stand good, did he?

Mr. PESTALOZZI. He did.

The CHAIRMAN. Did he say that he knew Vandersee?

Mr. PESTALOZZI. I know that he did know Vandersee, because he came up to see Murphy—Vandersee did.

The CHAIRMAN. Did they come to you together?

Mr. PESTALOZZI. Well, no; they did not come together—not that I can remember.

The CHAIRMAN. Did you ever see them or talk to them together?

Mr. PESTALOZZI. Why, I used to talk with them together, but not about the Stephenson matter.

Mr. LITTLEFIELD. What is Murphy's number?

Mr. PESTALOZZI. 94 Wisconsin Street.

The CHAIRMAN. Lawrence Murphy?

Mr. PESTALOZZI. Lawrence Murphy; yes.

The CHAIRMAN. What is the address?

Mr. PESTALOZZI. 94 Wisconsin Street, upstairs.

Mr. LITTLEFIELD. You can probably get him by telephone.

Mr. PESTALOZZI. No; he has no telephone.

The CHAIRMAN. No telephone?

Mr. PESTALOZZI. No.

The CHAIRMAN. Where is it—handy, close by here?

Mr. PESTALOZZI. Why, yes; it is right next to the Free Press Building.

Senator POMERENE. Did I understand that you were a member of the State legislature?

Mr. PESTALOZZI. No, sir.

The CHAIRMAN. Edmonds did not offer you any money at all, did he?

Mr. PESTALOZZI. No.

The CHAIRMAN. Nor make you any promises, except that he simply wanted you to support Stephenson?

Mr. PESTALOZZI. He made me not promises. All he told me was that I should come up to his office; he wanted to talk to me.

The CHAIRMAN. And you did not go?

Mr. PESTALOZZI. I did not.

Senator POMERENE. How many talks did you have with Mr. Edmonds?

Mr. PESTALOZZI. To the best of my recollection I had two.

Senator POMERENE. Where was the first conversation?

Mr. PESTALOZZI. In my store.

Senator POMERENE. Give us that conversation as nearly as you can—what he said and what you said.

Mr. PESTALOZZI. Of course it is a long time ago.

Senator POMERENE. I understand; but give us the substance of it.

Mr. PESTALOZZI. To the best of my recollection, he came up, and he wondered whether I could not get interested in the election of Senator Stephenson. I said no, I could not, because I was pledged to Mr. McGovern—or, rather, not pledged; I stated that I was for Mr. McGovern. There was no pledging about it. After a while the second conversation, to the best of my recollection, was that he wanted me to come up to his office, and I said I would not.

Senator POMERENE. This was in the first conversation?

Mr. PESTALOZZI. No; I think that was the second.

Senator POMERENE. Was there anything else said in the first conversation, other than what you have given?

Mr. PESTALOZZI. No; substantially not. That was the sum and substance of it.

Senator POMERENE. No reference was made to the subject of money or compensation for work that you might do?

Mr. PESTALOZZI. There was no direct statement made that I should be paid any money, except that arrangements could be made.

Senator POMERENE. Oh! He said that arrangements could be made?

Mr. PESTALOZZI. Yes.

Senator POMERENE. Arrangements about what?

Mr. PESTALOZZI. Going over the State to catch the Italian vote.

Senator POMERENE. And did he say what amount of money he would pay you?

Mr. PESTALOZZI. No money was mentioned.

Senator POMERENE. Nothing of that kind?

Mr. PESTALOZZI. No, sir.

Senator POMERENE. Did he say anything to you with reference to your supporting McGovern?

Mr. PESTALOZZI. No; there was nothing said—not that I could recollect. The conversation was rather short and decisive, and there were not many words lost.

Senator POMERENE. You say you had a second conversation with him?

Mr. PESTALOZZI. There is a question in my mind as to whether that was one conversation or two conversations. I could not absolutely state.

Senator POMERENE. Assuming that there was only one conversation, or whether there was one or two—it does not matter—was there anything else said, other than what you have given us?

Mr. PESTALOZZI. No, sir. That is the substance of it. Of course I could not repeat the exact words. It is too long ago.

Senator POMERENE. Did you have any talk with any of Senator Stephenson's other managers on the subject?

Mr. PESTALOZZI. Never.

Senator POMERENE. Or with anyone who professed to represent Senator Stephenson?

Mr. PESTALOZZI. Never.

Senator POMERENE. How long before the primary was this conversation with Vandersee?

Mr. PESTALOZZI. I could not say exactly the date. It must have been within two weeks, or something like that—two or three weeks.

Senator POMERENE. When was the Murphy conversation?

Mr. PESTALOZZI. About the same time. They followed each other, right along in close succession.

Senator POMERENE. That is, the Vandersee and the Murphy conversations?

Mr. PESTALOZZI. Yes.

Senator POMERENE. Were they at your store?

Mr. PESTALOZZI. Yes.

Senator POMERENE. I think that is all.

Mr. LITTLEFIELD. Where did the conversation with Vandersee take place—in your store?

Mr. PESTALOZZI. No; it was in the rear part of my store. I had a little——

Mr. LITTLEFIELD. A little office?

Mr. PESTALOZZI. Not an office; a storeroom.

Mr. LITTLEFIELD. Oh, yes. What business were you engaged in?

Mr. PESTALOZZI. A jewelry store.

Mr. LITTLEFIELD. Jewelry?

Mr. PESTALOZZI. Yes.

Mr. LITTLEFIELD. Were you a practical jeweler, or were you simply engaged in selling jewelry?

Mr. PESTALOZZI. No; I am a watchmaker.

Mr. LITTLEFIELD. A watchmaker and jeweler. You had a store in which you conducted your business?

Mr. PESTALOZZI. Yes, sir.

Mr. LITTLEFIELD. And off of this was a little room used as a store-room?

Mr. PESTALOZZI. Yes.

Mr. LITTLEFIELD. For piling away boxes and packages?

Mr. PESTALOZZI. Yes; and I had my desk in there for bookkeeping.

Mr. LITTLEFIELD. Oh, yes. And it was in there that Vandersee had the talk with you?

Mr. PESTALOZZI. Yes.

Mr. LITTLEFIELD. Was anybody else present?

Mr. PESTALOZZI. I can not say whether there was or not. I did not pay enough attention at that time to the whole thing, because I regarded it as a joke.

Mr. LITTLEFIELD. You looked upon it as a sort of a suggestion from Vandersee—

Mr. PESTALOZZI. Yes.

Mr. LITTLEFIELD (continuing). That had no foundation for it?

Mr. PESTALOZZI. Exactly.

Mr. LITTLEFIELD. It did not impress you as a serious proposition?

Mr. PESTALOZZI. It did not.

Mr. LITTLEFIELD. But merely an incidental suggestion thrown out by Vandersee?

Mr. PESTALOZZI. Yes, sir.

Mr. LITTLEFIELD. You say it was a day or two after that that Mr. Murphy had a talk with you?

Mr. PESTALOZZI. Yes; a couple of days, after awhile.

Mr. LITTLEFIELD. Was Vandersee present at that conversation?

Mr. PESTALOZZI. No, he was not. I do not think so.

Mr. LITTLEFIELD. Did you look upon Murphy's conversation as of substantially the same character as that that you had with Vandersee?

Mr. PESTALOZZI. I did.

Mr. LITTLEFIELD. It did not impress you as a serious proposition?

Mr. PESTALOZZI. No.

Mr. LITTLEFIELD. Coming from anybody with authority?

Mr. PESTALOZZI. No, it did not.

Mr. LITTLEFIELD. You did not understand that you were being offered anything by anybody that had any authority to make any offer?

Mr. PESTALOZZI. No, sir.

Mr. LITTLEFIELD. You did not get any such impression from the conversation with Murphy?

Mr. PESTALOZZI. I did not.

Mr. LITTLEFIELD. So far as you knew, these suggestions from Vandersee and Murphy were suggestions volunteered by them without any authority from any responsible party?

Mr. PESTALOZZI. I had no right to judge it at all.

Mr. LITTLEFIELD. You did not know anything to the contrary?

Mr. PESTALOZZI. No.

Mr. LITTLEFIELD. So far as you knew or so far as you could judge by the conversations you had with both Vandersee and Murphy, they were not sent to you by anybody that had any authority?

Mr. PESTALOZZI. I have no reason to believe they were and I have no reason to believe they were not.

Mr. LITTLEFIELD. Yes; but there was not anything that occurred that indicated to your mind that they were so sent?

Mr. PESTALOZZI. No; not at that time.

Mr. LITTLEFIELD. Was anybody else present when you had this first conversation with Edmonds?

Mr. PESTALOZZI. I think Mr. Bartlett was at that time in the store; but whether he heard the conversation or not I can not say.

Mr. LITTLEFIELD. Who?

Mr. PESTALOZZI. Mr. Bartlett.

Mr. LITTLEFIELD. What is his name?

Mr. PESTALOZZI. F. D. Bartlett. But I am not even sure whether he was present or not. I could not tell you for sure.

Mr. LITTLEFIELD. Your recollection is that F. D. Bartlett was present?

Mr. PESTALOZZI. I should judge he was there.

Mr. LITTLEFIELD. Did the conversation with Edmonds take place in your store?

Mr. PESTALOZZI. Yes.

Mr. LITTLEFIELD. Not in the back room?

Mr. PESTALOZZI. Not in the back room.

Mr. LITTLEFIELD. It only took a moment, I take it?

Mr. PESTALOZZI. Not very long.

Mr. LITTLEFIELD. He simply stepped in and made the inquiry and you gave your replies?

Mr. PESTALOZZI. In about three or four minutes the whole thing was over.

Mr. LITTLEFIELD. And you say Mr. Bartlett was present, according to your recollection?

Mr. PESTALOZZI. Yes.

Mr. LITTLEFIELD. Where does Bartlett live? In town here?

Mr. PESTALOZZI. I think he has an office in the Camp Building.

Mr. LITTLEFIELD. Was Mr. Bartlett in the store at that time for the purpose of doing any business with you in connection with your trade as a jeweler? That is, was he there to make a purchase or to have any repairs done?

Mr. PESTALOZZI. Mr. Bartlett had an office in the rear of the store also.

Mr. LITTLEFIELD. Oh. In the rear of your store?

Mr. PESTALOZZI. Yes. He had an office there, and he was in and out very frequently. When I talked with Mr. Edmonds, though, even if Bartlett was there, I do not think he heard a word of the conversation.

Mr. LITTLEFIELD. What was Mr. Bartlett's business at that time?

Mr. PESTALOZZI. He was a lawyer.

Mr. LITTLEFIELD. Did he reach his office through your store?

Mr. PESTALOZZI. No. He had to pass my door in order to go to his office.

Mr. LITTLEFIELD. He had to pass your door on the street?

Mr. PESTALOZZI. No. We had a store upstairs, you see.

Mr. LITTLEFIELD. Oh. He was upstairs?

Mr. PESTALOZZI. Yes. I was upstairs, too.

Mr. LITTLEFIELD. And your door opened into a hallway?

Mr. PESTALOZZI. Yes.

Mr. LITTLEFIELD. Was not that it?

Mr. PESTALOZZI. That is right.

Mr. LITTLEFIELD. Mr. Bartlett was a lawyer; and in order to get to his office, on the second floor, he entered the hallway from the street and would walk right by your door?

Mr. PESTALOZZI. Yes, sir.

Mr. LITTLEFIELD. And your door opened from the store into the hallway?

Mr. PESTALOZZI. Yes, sir.

Mr. LITTLEFIELD. And you say Mr. Bartlett was frequently in and out of your store?

Mr. PESTALOZZI. Yes; because we had the sink right behind my store, you see.

Mr. LITTLEFIELD. The sink?

Mr. PESTALOZZI. The sink, to wash our hands.

Mr. LITTLEFIELD. Oh, the washroom?

Mr. PESTALOZZI. Yes.

Mr. LITTLEFIELD. Was this washroom a washroom that was used by Mr. Bartlett in connection with his office on the second floor?

Mr. PESTALOZZI. Yes, sir; we used it together.

Mr. LITTLEFIELD. You used it in common?

Mr. PESTALOZZI. Yes, sir.

Mr. LITTLEFIELD. What time of the day was it that Mr. Edmonds was in?

Mr. PESTALOZZI. I could not tell you.

Mr. LITTLEFIELD. You have not any idea whether it was the forenoon or afternoon or evening?

Mr. PESTALOZZI. I could not tell you.

Mr. LITTLEFIELD. Did you keep your store open in the evening?

Mr. PESTALOZZI. I used to keep it open until 7 or 8 o'clock, according to the work I had.

Mr. LITTLEFIELD. But you do not remember whether this was in the morning or afternoon?

Mr. PESTALOZZI. It was during the day. Whether it was in the morning or in the afternoon, I could not tell.

Mr. LITTLEFIELD. Of course, you have no way of fixing the day?

Mr. PESTALOZZI. No.

Mr. LITTLEFIELD. That is all.

TESTIMONY OF ARTHUR WILCOX.

ARTHUR WILCOX, having been previously sworn, was recalled for further examination and testified as follows:

The CHAIRMAN. Mr. Wilcox, you have been sworn and have testified in this matter on a former occasion?

Mr. WILCOX. Yes, sir.

The CHAIRMAN. Your address is 342 Jackson Street, is it?

Mr. WILCOX. I did live there at that time.

The CHAIRMAN. Are you a gas fitter by occupation?

Mr. WILCOX. Yes, sir; I am working for the gas company.

The CHAIRMAN. It appears that you were an election inspector at the election in 1908. Have you looked up the question since you were here?

Mr. WILCOX. I did; but it is not very clear. I went to the county clerk, and the returns for the primary election were destroyed.

The CHAIRMAN. You received \$100, did you, from the Stephenson campaign fund?

Mr. WILCOX. No, sir; there was a mistake in that. I received \$50.

The CHAIRMAN. You received \$50? What did you receive it for?

Mr. WILCOX. I received word from Stephenson's headquarters asking me to appoint or give the names of 6 men that they could have in the ward on primary day, and I gave them.

The CHAIRMAN. For what purpose?

Mr. WILCOX. For distributing cards around the booth and one thing and the other, like that.

The CHAIRMAN. What is the "one thing" and what is "the other?"

Mr. WILCOX. Just to be around the booth and distribute those cards; and if they knew of anybody or any friends of theirs——

The CHAIRMAN. In which ward were you?

Mr. WILCOX. The third ward.

The CHAIRMAN. I find here, in the third precinct, that the inspectors were Pat Shanley, Joseph Corado, and Arthur Wilcox.

Mr. WILCOX. That is correct.

The CHAIRMAN. About how long before the election was it that you received this \$50?

Mr. WILCOX. It was some time in August. I do not remember just what date it was.

The CHAIRMAN. Whose names did you give him?

Mr. WILCOX. I really do not remember the names of the men, because in different elections I had been asked to hand in names for that same purpose.

The CHAIRMAN. Did any other candidate ask you for the names for that purpose?

Mr. WILCOX. No, sir.

The CHAIRMAN. Who paid you the \$50?

Mr. WILCOX. Mr. Knell.

The CHAIRMAN. Did you do anything else except to furnish those 6 names for that \$50?

Mr. WILCOX. I distributed literature around in different places in the ward.

The CHAIRMAN. When did you do that?

Mr. WILCOX. Before the primary.

The CHAIRMAN. How long before?

Mr. WILCOX. A week or two before the primary.

The CHAIRMAN. Did you distribute any literature or do anything on or about the day of the primary election?

Mr. WILCOX. Not on the day of the primary.

The CHAIRMAN. How close up to the primary?

Mr. WILCOX. I distributed literature about a week or two before the primaries, I should judge.

The CHAIRMAN. And none within a week of the primary?

Mr. WILCOX. No, sir.

The CHAIRMAN. Did you know that under the laws of the State of Wisconsin you were not permitted to do work for any candidate?

Mr. WILCOX. I did not know that that was prohibited at all.

The CHAIRMAN. You knew nothing about that?

Mr. WILCOX. No, sir.

The CHAIRMAN. Had you ever before been an inspector of elections?

Mr. WILCOX. Yes.

The CHAIRMAN. In what campaign?

Mr. WILCOX. I have been an inspector of elections for the last 10 years—a clerk and inspector.

The CHAIRMAN. Had you ever before done any such work as this for any candidate?

Mr. WILCOX. No, sir.

The CHAIRMAN. And received any money for it?

Mr. WILCOX. I received money for services, as I say, hiring men to do work in the campaign.

The CHAIRMAN. Did you hire any men to work at the polls on election day for Senator Stephenson?

Mr. WILCOX. No, sir.

Mr. LITTLEFIELD. You mean the primary election?

Mr. WILCOX. Yes, I told you; I said that before.

The CHAIRMAN. I am dealing entirely with the primary election.

Mr. WILCOX. When you said "election," I thought you meant the November election.

The CHAIRMAN. You did?

Mr. WILCOX. Yes.

The CHAIRMAN. You took that cue from counsel?

Mr. WILCOX. I took it from you; not from counsel.

The CHAIRMAN. Well, then take it back. Answer my questions.

Mr. WILCOX. You said on election day.

The CHAIRMAN. It was on primary election day that you had performed these services, or before the primary?

Mr. WILCOX. Before the primary.

The CHAIRMAN. Did you perform any services at the general election?

Mr. WILCOX. I was an inspector.

The CHAIRMAN. Was Senator Stephenson a candidate for anything at the general election?

Mr. WILCOX. He was a candidate at the primary.

The CHAIRMAN. I asked you whether he was a candidate for anything at the general election.

Mr. WILCOX. No; I do not believe he was.

The CHAIRMAN. Do not get confused about it again. It was before the primary election that you performed these services for the \$50?

Mr. WILCOX. Yes.

The CHAIRMAN. You received the money before the primary election; did you?

Mr. WILCOX. Yes.

The CHAIRMAN. You did not receive any money before any other election; did you?

Mr. WILCOX. No, sir.

The CHAIRMAN. Can you fix the date when you received this money?

Mr. WILCOX. No, sir.

The CHAIRMAN. Can you tell within a week of when it was?

Mr. WILCOX. I do not believe I can. It was along in the latter part of August, to the best of my recollection.

The CHAIRMAN. Did you employ any men to work at the polls at this election?

Mr. WILCOX. Yes, sir.

The CHAIRMAN. Whom did you employ?

Mr. WILCOX. I handed in the names of the committee to the Stephenson headquarters—six fellows, two for each precinct; but I really do not remember their names.

The CHAIRMAN. They were to stand at the proper place at the polls and distribute literature on behalf of Senator Stephenson?

Mr. WILCOX. Small cards.

The CHAIRMAN. Is that all they were to do?

Mr. WILCOX. That is about all they were to do; yes, sir.

The CHAIRMAN. And for that you charged \$50?

Mr. WILCOX. No; they gave me the money to pay the men \$5 apiece. That is \$30. I paid it for the 6 men.

The CHAIRMAN. You paid out \$30. Did you keep the rest?

Mr. WILCOX. No; I spent the rest in distributing this literature before the primary.

The CHAIRMAN. To whom did you pay the money?

Mr. WILCOX. To whom did I pay what money?

The CHAIRMAN. The balance of this money.

Mr. WILCOX. I spent it in buying drinks and one thing and another.

The CHAIRMAN. You spent it in buying drinks and treats?

Mr. WILCOX. Yes.

The CHAIRMAN. You spent all of the sum in excess of what you paid these men for buying drinks and treats?

Mr. WILCOX. Yes.

The CHAIRMAN. How close up to election day did you spend it for that purpose?

Mr. WILCOX. When I got it, I simply went out and spent it—some time before the primary.

The CHAIRMAN. Did you get it all at once?

Mr. WILCOX. Yes.

The CHAIRMAN. Were you spending that money for treats and drinks up to the time of the primary?

Mr. WILCOX. I think I had spent it all some time before the primary.

The CHAIRMAN. How long before?

Mr. WILCOX. It would not take me very long to spend it. I received it a week or two before the primaries, to the best of my recollection; and I went out and distributed the literature, and spent the money as I distributed the literature.

The CHAIRMAN. Do you remember when you handed in these names to the committee?

Mr. WILCOX. No, sir.

The CHAIRMAN. Was it a week before the primary?

Mr. WILCOX. It was more than that, I believe.

The CHAIRMAN. So that your contract in regard to this matter terminated more than a week before the primaries?

Mr. WILCOX. Yes; to the best of my recollection, it was two weeks or so before the primary.

The CHAIRMAN. That is all.

Senator POMERENE. You received your appointment as inspector, and as an inspector you served at both the general election and the primary election?

Mr. WILCOX. Yes. The appointment runs for two years.

Senator POMERENE. When was the appointment made under which you were serving in September, 1908?

Mr. WILCOX. It was made about a year and a half before that.

Senator POMERENE. You acted as the inspector at this election?

Mr. WILCOX. I presume I did. I acted in November. I could not get any report from the city or county clerk as to that, but I presume I did.

Senator POMERENE. The deputy county clerk's report seems to indicate that you did serve in the third ward in the third precinct.

Mr. WILCOX. Then I must have served.

Senator POMERENE. You know of nothing to indicate anything wrong about this report?

Mr. WILCOX. No; I do not believe I do.

Senator POMERENE. So far as you know, it is correct?

Mr. WILCOX. Yes.

Senator POMERENE. Did you receive this money from Mr. Knell by check or in currency?

Mr. WILCOX. In currency.

Senator POMERENE. I think that is all.

Mr. LITTLEFIELD. I call attention to the fact that the certificate of the county clerk, on page 898, is dated the 2d day of April, 1908, which is some time prior to the election of September, 1908.

The CHAIRMAN. Mr. Wilcox, you are under oath. You can take the responsibility of saying it. Will you state whether or not you served at that election?

Mr. WILCOX. Yes; I served.

Mr. LITTLEFIELD. That settles it. The \$20 that you spent in distributing literature in connection with the saloons was spent in the saloons in which you posted the literature?

Mr. WILCOX. Yes.

Mr. LITTLEFIELD. What is the practice in that respect with reference to the literature and its distribution?

Mr. WILCOX. It is always customary, in putting up literature like that to buy a drink for the crowd that is in there at the time.

Mr. LITTLEFIELD. Is that the universal practice with reference to posting literature under such circumstances?

Mr. WILCOX. In all the elections it is customary to do that.

Mr. LITTLEFIELD. You buy the treats, but it is in a sense a payment for the privilege of having the literature hang in the saloons?

Mr. WILCOX. Yes.

Mr. LITTLEFIELD. And under those circumstances is it the understanding with the saloon keeper that the literature shall remain there?

Mr. WILCOX. Yes.

Mr. LITTLEFIELD. Was all of the money that you expended for treats in connection with this campaign expended in that manner and for that purpose?

Mr. WILCOX. Yes, sir.

Mr. LITTLEFIELD. Were there any controversies as to the marking of ballots in that ward where you acted as an inspector?

Mr. WILCOX. No, sir. Sometimes a voter would come up and ask to have explained to him how to mark his ballot.

Mr. LITTLEFIELD. Was there anything improper done in connection with the marking of ballots in that election?

Mr. WILCOX. Nothing.

Mr. LITTLEFIELD. Was any of the money that was disbursed by you in this campaign, covering the whole \$50, expended by you for the purpose of bribing or unlawfully corrupting or influencing any of the electors in the primary election in the interest of Senator Stephenson?

Mr. WILCOX. Not a cent.

Mr. LITTLEFIELD. That is all.

TESTIMONY OF LEO S. KELPINSKI.

LEO S. KELPINSKI, having been heretofore duly sworn, was examined and testified as follows:

The CHAIRMAN. You have been sworn?

Mr. KELPINSKI. Yes.

The CHAIRMAN. Were you an inspector of elections at the primary election on the 1st of September, 1908?

Mr. KELPINSKI. Yes.

The CHAIRMAN. In the fifth precinct of the fourteenth ward?

Mr. KELPINSKI. Yes.

The CHAIRMAN. Did you receive any money from Senator Stephenson, or from anyone representing him, during that campaign?

Mr. KELPINSKI. I got \$55 from Richard White.

The CHAIRMAN. For what purpose?

Mr. KELPINSKI. To go out to a church picnic and spend it.

The CHAIRMAN. Did you spend it at a church picnic?

Mr. KELPINSKI. Yes.

The CHAIRMAN. All of it?

Mr. KELPINSKI. Yes; I spent over \$80.

The CHAIRMAN. How did you spend it?

Mr. KELPINSKI. I went from bar to bar, and from ice-cream stand to ice-cream stand, and I told everybody to come on and have a drink on Senator Stephenson; and I distributed lots of cards and buttons at that picnic.

The CHAIRMAN. When was that?

Mr. KELPINSKI. That was about two weeks before the primary. That was the second Sunday in August.

The CHAIRMAN. That is all.

Senator POMERENE. You served as an inspector?

Mr. KELPINSKI. Yes; at the primary election.

Senator POMERENE. There were three inspectors, were there?

Mr. KELPINSKI. Yes; 3 inspectors and clerks, 2 clerks of election, and 2 ballot clerks.

Senator POMERENE. This was in the fifth precinct?

Mr. KELPINSKI. The fifth precinct of the fourteenth ward; yes, sir.

Mr. LITTLEFIELD. You say this was a church picnic. What denomination was it?

Mr. KELPINSKI. A Polish Catholic Church.

Mr. LITTLEFIELD. At this picnic were there various stands where beer was being sold?

Mr. KELPINSKI. Yes.

Mr. LITTLEFIELD. Is that what you refer to as a bar?

Mr. KELPINSKI. There were beer stands, and three or four ice-cream stands, and a cane stand, and so on, that they played at.

Mr. LITTLEFIELD. You simply used this money in buying beer and ice cream?

Mr. KELPINSKI. Yes.

Mr. LITTLEFIELD. Aiding in the festivities?

Mr. KELPINSKI. Raffling, and so on. They had a "wheel of fortune."

Mr. LITTLEFIELD. And you took a hazard in about everything that was going on, I take it?

Mr. KELPINSKI. Sure.

Mr. LITTLEFIELD. In the meanwhile, did you have the Stephenson literature?

Mr. KELPINSKI. I did. I had about 2,000 cards and about 2,000 buttons.

Senator POMERENE. You did not put those on the wheels?

Mr. KELPINSKI. No, sir.

Mr. LITTLEFIELD. You were not taking any chances on those. Did you distribute all of them at the picnic?

Mr. KELPINSKI. Yes.

Mr. LITTLEFIELD. Is that the only money you ever had to expend in connection with the Stephenson campaign?

Mr. KELPINSKI. That is all I spent. I spent some of my own money, also.

Mr. LITTLEFIELD. You say you spent about \$80?

Mr. KELPINSKI. Yes.

Mr. LITTLEFIELD. The difference between \$55 and \$80 came out of your own pocket?

Mr. KELPINSKI. Yes, sir.

Mr. LITTLEFIELD. So that you were about \$25 out when you got through?

Mr. KELPINSKI. Yes; but that was my own affair.

Mr. LITTLEFIELD. You made no complaint about it?

Mr. KELPINSKI. No, sir.

Mr. LITTLEFIELD. You were simply that much out?

Mr. KELPINSKI. That is right.

The CHAIRMAN. You were spending money for different campaigns—a sort of distributing medium for Cook and Stephenson and others?

Mr. KELPINSKI. No, sir; not at that time.

The CHAIRMAN. Did you testify before the senate committee that you got money to work for Mr. Cook?

Mr. KILPINSKI. That was just before the primary, three or four days.

The CHAIRMAN. That was after you had expended the Stephenson money?

Mr. KELPINSKI. That had nothing to do with the Stephenson money.

The CHAIRMAN. Let us arrive at a conclusion. Before the senate committee, at pages 1173 and 1174 and 1175 of the testimony, you

testified that you got money to work for Cook; after you had exhausted the Stephenson money, you then went after Cook?

Mr. KELPINSKI. I do not remember exactly now, but I gave it to the investigation committee in Madison; and if you read it, I will say whether it is right or not.

The CHAIRMAN. I have it here, but I want your memory upon it.

Mr. KELPINSKI. I do not remember.

The CHAIRMAN. You entered into details as to what work you did. I merely want the fact.

Mr. KELPINSKI. Yes.

The CHAIRMAN. You got the money from Dick White?

Mr. KELPINSKI. Yes.

The CHAIRMAN. You were not working for Mr. Knell?

Mr. KELPINSKI. I had nothing to do with Mr. Knell.

The CHAIRMAN. You divided up the result, and you carried the precinct for Stephenson and the ward for Cook?

Mr. KELPINSKI. No, sir.

The CHAIRMAN. You so testified at page 1182.

Mr. KELPINSKI. I never did. It is wrong.

The CHAIRMAN. I say you did; but I will reserve that statement.

Mr. KELPINSKI. The ward was never carried for Cook, and the result of the vote will show that.

The CHAIRMAN. I am using the indexer's notes.

Mr. KELPINSKI. Yes.

The CHAIRMAN. That is, the indexer of the printed volumes. You were on the witness stand, and you testified as follows:

By Mr. BLACK:

Q. You say Dick White wanted to give you \$100 the first time you saw him?—A. Yes, sir—no, that was on the 7th, and he told me to come down to see him on the 8th. On Friday he called me up on the telephone, from Mr. Tawkey's office.

Q. To come down and he would give you the money?—A. No; he said I should come up the next day; that was on Saturday, on the 8th. Friday was the 7th and Saturday was the 8th.

Q. What did he say to you?—A. Why he told me if the precinct would go for Stephenson he would give me \$100, and he had the money ready to give me. I told him that was easy; if the precinct didn't go for Stephenson I didn't want the \$100. I says, "But I am going to a picnic to-morrow," as I said before, "and I can spend the money there, and so," I says, "\$50 would do." After he gave me the \$50 and I started to go out, he called me back and he says, "I may be up there myself; but," he says, "if I ain't I will give you \$5 more so you will have enough." And I spent about \$75 or \$80 that day.

The CHAIRMAN. That is what you said?

Mr. KELPINSKI. Yes.

The CHAIRMAN. I read further from the testimony as follows:

By Senator HUSTING:

Q. As I understand, you wanted to see first if the precinct would go for Stephenson?—A. Yes, sir; that is correct.

Q. Then if the precinct went for Stephenson you wanted the other \$50?—A. Yes, sir.

Q. Now did you do any active work for Cook except to hire these men?—A. I did, the last three days; yes. That was Saturday night, Sunday, and Monday even.

Q. But it was too late, was it, to change?—A. I wouldn't go to them young men at all to change, because they might get sore over me; so to that particular place I didn't go.

Q. So you went to the old fellows?—A. Yes, sir.

Q. That you knew wouldn't vote?—A. Oh, they voted.

Q. And the teams that you sent out undoubtedly took more Stephenson men to the polls than Cook men?—A. Well, Cook got just as many votes in the ward as Stephenson did.

Q. You hired these men for Cook in the ward?—A. Yes, sir; for the entire ward; not for no precinct. There was one man at each precinct and two extra men hired.

Q. So really you worked for Stephenson in the precinct and for Cook in the ward?—A. No; I didn't work for Stephenson only just at the picnic, and that was three weeks prior to the primary before I was decided upon anyone.

Is that true?

Mr. KELPINSKI. Yes; that is right.

The CHAIRMAN (reading):

Q. But during all that time it was known in the precinct and in the ward that Kelpinski was for Stephenson?—A. No, sir.

Is that correct?

Mr. KELPINSKI. I did not do any work there.

The CHAIRMAN. You exhausted yourself at the picnic?

Mr. KELPINSKI. It was just at the picnic.

The CHAIRMAN (reading):

Q. At least in the precinct, wasn't it? These young men went out and told the people Kelpinski was at the picnic and was for Stephenson?—A. Maybe they did.

Q. You say that is the reason you think Stephenson carried the precinct?—A. The precinct—I presume it was.

Q. Now the money you got from Koehler you spent in the ward?

Koehler was Cook's man; was he?

Mr. KELPINSKI. Yes, sir.

The CHAIRMAN (reading):

A. That was for the entire ward; yes, sir; and the ward has got 30,000 people.

Q. So Cook carried the ward that you worked for?—A. I couldn't say whether he did or not, but he come pretty close, I think.

Q. And Stephenson carried the precinct that you had worked for?—A. He did; yes, sir.

That is correct now, is it, as it was when you testified?

Mr. KELPINSKI. As far as Stephenson is concerned, it is correct; but they put it different to what I did about Cook.

The CHAIRMAN. You think you were not correctly reported?

Mr. KELPINSKI. "He come pretty close"—I never made that statement. I answered that I did not know whether he did or not—whether he carried the ward or not or how close he came.

The CHAIRMAN. Then you think the answer which is the second one from the bottom on page 1182 has been incorrectly written or transcribed?

Mr. KELPINSKI. Yes, sir; yes, sir.

The CHAIRMAN. I just wanted to test your memory in regard to that. Those are all the questions I desire to ask.

Senator POMERENE. How did it happen that you changed from Stephenson to Cook?

Mr. KELPINSKI. I gave the testimony about that in Madison.

Senator POMERENE. Give it to us now.

Mr. KELPINSKI. Yes, sir; I will. I met a friend of mine—a young lawyer by the name of Frank H. Boden—about a week after the picnic. He asked me whether I was for anybody. I was always speaking throughout the State for different candidates and so on. They knew I had quite an influence; so Mr. Boden told me, he said: "Are you with anybody?" I told him that I was at the picnic and distributed lots of cards and buttons for Senator Stephenson. He said:

You are foolish. Senator Stephenson is too old. He ain't able to be in the Senate, and Cook is in the first prime of life.

He said:

You should be with Cook, because Stephenson is too old to be in the Senate.

I told him that I was not bound to anybody. So he told me to come down to the Caswell Building and see him and to get some men to work. I did not really work myself for Cook, because I was in the booth. I hired a man there by the name of Louis Walski that took care of all those men in the fourteenth ward, and the two rigs that they had. I had nothing to do with any candidate.

Senator POMERENE. Did you explain to him that you had taken \$55 of Stephenson money?

Mr. KELPINSKI. Yes, sir.

Senator POMERENE. And spent it for him?

Mr. KELPINSKI. Spent it at the picnic; yes, sir.

Senator POMERENE. Did you not think it would hurt your influence a little to work for one candidate a while and then for another?

Mr. KELPINSKI. I did not know Mr. Stephenson and I did not know Mr. Cook, but I knew Mr. Boden well.

Senator POMERENE. But you would have a good deal of consideration for your own influence as a politician, would you not?

Mr. KELPINSKI. Well, I do not know. That I could not answer.

Senator POMERENE. I think that is all.

Mr. LITTLEFIELD. What are you—a Pole?

Mr. KELPINSKI. Yes; I am a Pole.

Mr. LITTLEFIELD. That is your nationality?

Mr. KELPINSKI. Yes, sir.

Mr. LITTLEFIELD. Were you born in this country?

Mr. KELPINSKI. No, sir.

Mr. LITTLEFIELD. How long have you been in this country?

Mr. KELPINSKI. Thirty-four years.

Mr. LITTLEFIELD. And how old are you?

Mr. KELPINSKI. Forty-nine.

Mr. LITTLEFIELD. That is all.

The names of A. J. Klumb and Archie Hamilton were called by the chairman, but they did not respond.

The CHAIRMAN. I suppose Mr. Upham will be here at some time during the day?

Mr. BLACK. He will be here at almost any time.

The CHAIRMAN. He is the attorney who made up the account. We shall want him here.

TESTIMONY OF PAUL O. HUSTING.

PAUL O. HUSTING, having been previously sworn, was examined and testified as follows:

The CHAIRMAN. You have been sworn in this investigation?

Mr. HUSTING. Yes, sir.

The CHAIRMAN. You are one of the senate committee that signed the report in this case in conjunction with S. M. Marsh and Thomas Morris?

Mr. HUSTING. Yes, sir.

The CHAIRMAN. The report is dated the 10th of January, 1911. You had had the matter under consideration since 1909, about two years, had you?

Mr. HUSTING. Yes, sir.

The CHAIRMAN. Or not quite two years?

Mr. HUSTING. Yes, sir.

The CHAIRMAN. During that time you had been constantly at work on it, I suppose, preparing this report?

Mr. HUSTING. No, sir.

The CHAIRMAN. When did you prepare and conclude the preparation of this report?

Mr. HUSTING. In the month of December and the beginning of January, up to the time it was signed.

The CHAIRMAN. In what year?

Mr. HUSTING. The year previous to when the report was made—the preceding year.

The CHAIRMAN. The report was made during this year?

Mr. HUSTING. Yes—between December, 1910, and January, 1911.

The CHAIRMAN. You finished taking testimony during 1909, did you?

Mr. HUSTING. Yes.

The CHAIRMAN. About what time did you conclude the taking of testimony in 1909?

Mr. HUSTING. I have forgotten, but I think it was in May, 1909.

The CHAIRMAN. Were each of the members of that committee members of the senate in 1909?

Mr. HUSTING. Senator Marsh held over until the first Monday in January, 1911. Senator Morris also was a holdover; but he resigned some time in June, 1910; and became a candidate for lieutenant governor.

The CHAIRMAN. And you?

Mr. HUSTING. I am still a member of the senate.

The CHAIRMAN. So that at the time this report was made two of you were still members of the senate that referred the matter to you for consideration and report?

Mr. HUSTING. Except this: Senator Marsh's term expired before it was signed. His term expired the first Monday in January, 1911.

The CHAIRMAN. I see. He was not reelected, was he?

Mr. HUSTING. No, sir.

The CHAIRMAN. He is not now a senator?

Mr. HUSTING. No, sir.

The CHAIRMAN. So that only one of those who signed this report was actually a member of the committee at the time the report was made?

Mr. HUSTING. Yes, sir; at the time it was signed.

The CHAIRMAN. Yes—well, that is the making of the report. It had not been filed before that time?

Mr. HUSTING. No, sir.

The CHAIRMAN. When this report was signed and filed, you were the only real member of the committee?

Mr. HUSTING. I was the only real senator that was left. We discussed this matter, and we concluded that for the purpose of signing the report both of these gentlemen were still members of the committee. That was our understanding.

The CHAIRMAN. But as a matter of fact, you were the only remaining member?

Mr. HUSTING. As a matter of fact, I was the only remaining senator.

The CHAIRMAN. And this is your report?

Mr. HUSTING. Well, I would not say that. That is the report of Senator Marsh and Senator Morris and myself.

The CHAIRMAN. By what number was the session designated that expired on January 1—that is, the session whose members' terms expired on January 1, 1911? What was the number of that session?

Mr. HUSTING. I can not tell you, sir. It was given here the other day.

Mr. LITTLEFIELD. The forty-ninth session?

Mr. HUSTING. The forty-ninth; yes.

The CHAIRMAN. Very well. This report was not made to the legislature that authorized the investigation, was it?

Mr. HUSTING. No, sir; and I will explain to you why. These members of the senate were constituted a committee to prepare a report and report to a special session to be called for that purpose with others.

The CHAIRMAN. A special session of that legislature, the forty-ninth?

Mr. HUSTING. Of that legislature. There was to be a special session called under a resolution under which this committee was appointed, and the water-power committee, and the industrial insurance committee—four or five special measures—and this committee was to report to the special session of the legislature, but the special session was never called.

Senator POMERENE. Was that a special or an adjourned session?

Mr. HUSTING. The legislature adjourned sine die; but under a resolution which was passed by both houses of the legislature the governor was requested to call a special session at which this committee and other committees having special measures under consideration were to report, and this special session was never called.

The CHAIRMAN. Your legislature did not expire until January, 1910?

Mr. HUSTING. 1911.

The CHAIRMAN. The members of the forty-ninth session had been elected in 1908, and how long did they serve? What is the tenure of a house member?

Mr. HUSTING. The tenure of a house member is two years and that of a senator four years.

The CHAIRMAN. The senate was a continuing body, I suppose, was it?

Mr. HUSTING. Yes, sir.

The CHAIRMAN. You have hold-over senators, do you?

Mr. HUSTING. Yes, sir. The even numbers are elected one year, and the odd numbers another year.

The CHAIRMAN. But the tenure of a session is two years. The session expires at the end of two years. If no house members were elected there would be nobody to constitute a session?

Mr. HUSTING. No, sir.

The CHAIRMAN. So you are in the same position as many other legislative bodies. I am merely trying to get at the status of this report. While it would not materially affect this examination, I want the real facts to be in the record.

Mr. HUSTING. Yes, sir.

The CHAIRMAN. The forty-ninth legislature was in existence from the 1st of January or the first Monday in January?

Mr. HUSTING. No; it is the second Tuesday in January. I think that is right. This report was filed before the new session convened. It was filed with the governor.

The CHAIRMAN. But not with the legislature?

Mr. HUSTING. It could not be filed with the legislature, because the old legislature had adjourned sine die.

The CHAIRMAN. That would not terminate the legislature. The term of the legislature is fixed by law at two years. If it adjourns sine die, it is still subject to a call by the governor in special session. The adjournment sine die terminates that session, but not the life of the legislature.

Mr. HUSTING. That is true; but we had no one to file it with except the governor. The officers were discharged.

The CHAIRMAN. No; you could file it with the executive officers of legislature. The officers of the legislature do not go out of office because of an adjournment sine die. They go out of office at the end of the legislative term.

Mr. HUSTING. I beg to differ with the Senator on that proposition, because at special sessions they elect a new sergeant at arms and new clerks.

The CHAIRMAN. That is, they can do it. They can do it any day of a regular session.

Mr. HUSTING. But, as I understand it, the term of the executive officers of the legislature expires with the session and it is necessary to elect new officers at special sessions.

The CHAIRMAN. You may have a special statute on the subject. In the absence of a special statute it would not be so. The terms of officers of Congress do not expire because we adjourn sine die. I am only saying this in order to get at the status of the legislative body when it took action upon this matter. This report was made to a subsequent legislature by one member of the committee?

Mr. HUSTING. I do not like to state that it was a subsequent legislature. We claim it was with the—

The CHAIRMAN. The date will have to fix that.

Mr. HUSTING. The date and the time. The new session of the legislature convened at noon, and this report was filed with the governor before noon—half an hour or so before noon—and before the new session convened.

The CHAIRMAN. It was filed with the governor?

Mr. HUSTING. Yes, sir.

The CHAIRMAN. In this report—I shall not read it, but it will be incorporated into the committee's report—you recommend—

that a copy of the above and foregoing report be certified to the United States Senate by the governor and the legislature, with the request that that body investigate the manner and means by and through which Isaac Stephenson secured his election to the United States Senate for its action thereon. The committee further recommends the adoption of legislation.

And so forth?

Mr. HUSTING. Yes, sir.

The CHAIRMAN. In this report which you filed with the governor do you intend as specific charges that which follows the words "to summarize" and "in conclusion," on page 2268? What did you

intend should constitute the specific charges which you asked to have certified to the United States Senate for consideration?

Mr. HUSTING. The report itself explains that—the entire report.

The CHAIRMAN. You intended the entire report to be taken as embodying the specific charges without pointing out the particular items?

Mr. HUSTING. We have summarized or capitalized or grouped, as it were, certain lines of evidence which we claimed or contended were typical of the other evidence which was adduced at the investigation.

The CHAIRMAN. My question was designed to lead up to your examination. I am going to examine you as concisely as I can upon those charges or those statements that you intend as charges. I take it they are under the summarization.

Mr. HUSTING. That embodies or boils down what is embodied in the report. But the entire report, of course, speaks for itself and embodies our reasons for believing as we did believe and for reporting as we did report.

The CHAIRMAN. I want to-day to treat this as your report, you being the only live member of the committee. I use that term in an obvious sense. We will consider these three or four pages in some detail.

Mr. HUSTING. May I be favored with a copy of our report, if you are going to ask me along that line, to refresh my memory?

The CHAIRMAN. Yes.

(A copy of the report was handed Mr. Husting.)

The CHAIRMAN. I will say that it is my tentative opinion that this is your report, and that, outside of your connection with it, it would not be a public document for consideration. That is something that we must each conclude for ourselves.

Mr. HUSTING. Yes. I should like to have it appear, however, that I do not agree with the chairman on that.

The CHAIRMAN. We have therefore reserved you until this time for examination.

As I read this, the first objection that you urge is that Isaac Stephenson appears to have—

entered into an agreement with his managers to keep secret the disbursements in his campaign.

That is stated specifically.

Mr. HUSTING. Yes, sir.

The CHAIRMAN. What law does that violate?

Mr. LITTLEFIELD. Where does the chairman get this?

The CHAIRMAN. I state it from the very first paragraph of the conclusions on page 2268.

Mr. LITTLEFIELD. Yes.

The CHAIRMAN. I am asking you merely as to the laws of Wisconsin. Does that violate a law of Wisconsin?

Mr. HUSTING. That violates no specific law of Wisconsin, but is—

The CHAIRMAN. That is all I want.

Mr. HUSTING. I should just like—

The CHAIRMAN. Just a moment, now. You will have to allow me to conduct the examination. I only made the inquiry for the purpose of noting here the statute and the section of the statute and the

place where it is to be found; no deductions to be drawn from it. We will draw those.

Mr. HUSTING. I just wanted to add, if the Chairman will permit me, that an inference may be drawn from that which is not——

The CHAIRMAN. We will not draw it at this time.

Mr. HUSTING. Mr. Chairman——

The CHAIRMAN. We shall have to conform to the rule. We never would get through otherwise.

Mr. HUSTING. I did not make myself plain.

The CHAIRMAN. You said, "No."

Mr. HUSTING. The chairman interrupted me.

The CHAIRMAN. I may have to do that.

Mr. HUSTING. If you will kindly permit me to add this, it may be stricken out if it is not pertinent. I will say that they kept secret something that they were bound to make public.

The CHAIRMAN. Under what statute?

Mr. HUSTING. Under the statute which provides for the publication of campaign accounts.

The CHAIRMAN. Can you refer me to that statute? You see, we have all of those.

Mr. HUSTING (continuing). Thus, of course, as we contend, showing an intent——

The CHAIRMAN. Just a moment. You see, we shall have a very long statement if we undertake to go into that. I intend to examine you very briefly. Do you refer to section 4543-C, requiring candidates for office to file an account of their campaign expenses?

Mr. HUSTING. Yes, sir.

The CHAIRMAN. Now we know exactly what you refer to. Take the next one:

It further appears that he clearly violated, upon at least two occasions, the statute which requires an account under oath of campaign expenses to be filed.

Mr. HUSTING. Yes, sir.

The CHAIRMAN. Is that the same statute?

Mr. HUSTING. Yes, sir.

The CHAIRMAN (reading):

Such failure to file a statement of expenses by Isaac Stephenson, his managers, agents, and workers was with full knowledge of the fact that it was generally charged and generally believed that his nomination had been secured by the expenditure of an enormous sum of money and by a violation of the corrupt practices act.

Is that the same statute?

Mr. HUSTING. Yes, sir.

The CHAIRMAN. No other?

Mr. HUSTING. No, sir.

The CHAIRMAN (reading):

He also, by and through his managers, agents, and workers, with full knowledge of this belief and these charges, destroyed all the original memoranda in his or their possession, and was unable to give any full and satisfactory vouchers for the money so expended by him and his agents.

Is that under the same statute?

Mr. HUSTING. Yes, sir.

The CHAIRMAN. There is no other statute covering it?

Mr. HUSTING. None that I have in mind.

The CHAIRMAN. That is quite sufficient. You see, I want to identify the law by which you were being governed, in order that we

may apply it, and see whether we will consider you correct in the matter. That is section 4543-C?

Mr. HUSTING. I just want to add one thing to this: That the destruction by Mr. Edmonds as treasurer of the campaign committee violated a specific section.

The CHAIRMAN. Just refer me to that section

Mr. HUSTING. I have not the sections in mind, Senator. I shall have to look at the statute.

Mr. LITTLEFIELD. That is, the violation by Mr. Edmonds as treasurer?

Mr. HUSTING. Yes.

The CHAIRMAN. I want to note these sections right on the record, so that in making up a report we can refer to them.

Mr. LITTLEFIELD. Yes. I was trying to find out who he thought was treasurer.

Mr. HUSTING [after examining statutes]. Sections 4543-E, 4543-F, and 4543-G.

The CHAIRMAN. You say that is the section upon which your report is based?

Mr. HUSTING. I want to say that Mr. Edmonds testified before our committee that he was the acting treasurer of the organization.

The CHAIRMAN. That may be as it will; it will not matter about that. I want to identify the law by you.

Mr. LITTLEFIELD. I make the request that when the witness undertakes to state the testimony, he confine himself to the testimony in the record, so that I will know what he is talking about.

The CHAIRMAN. I will add to that an instruction that he shall not attempt to discuss the testimony while we are identifying the statutes.

Mr. LITTLEFIELD. Yes; but he is continually doing it. What I should like to have the chairman admonish him is that if he proposes to state this testimony, I want him to state it, and state it where it is, so that I may know what he is talking about.

The CHAIRMAN. We will not have any difficulty about that, because the witness will not do it after being admonished that we do not require it at this time. I am going through now in order to identify the law only.

Mr. LITTLEFIELD. What is the statute that we have now, that has just been referred to, if the chairman please?

The CHAIRMAN. Sections 4543-E, F, and G. That refers to the destruction of the vouchers and papers.

Mr. LITTLEFIELD. Oh, yes.

The CHAIRMAN. I proceed to the next paragraph (reading):

It further appears that the failure to file an account in compliance with law was premeditated. This is shown by the fact that he kept no account of the expenditures made by his managers in his campaign. It is further shown by the fact that his campaign managers were not required to keep or render to him any account of such expenditures. He must have known that unless accurate accounts were kept by his managers, and furnished him, it would be impossible for him to comply with the law.

What law do you refer to, specifically?

Mr. HUSTING. This law that was just read here a moment ago—4543-C, I think.

The CHAIRMAN. Do you mean sections E, F, and G? You have the law right there. If you will just turn back, you will find that statute on the preceding pages—2233, and so on. I merely want to know the law that you have in mind when you arrive at the conclusion.

Mr. HUSTING. Yes, sir. I have here, in the report, "4343-C." That is a mistake, though, I believe; it is 4543-C.

The CHAIRMAN. That is 4543-C. That is the one under which I am numbering that. That is "2," and this other is "1." We will have no difficulty hereafter in identifying them. Now the next one (reading):

Isaac Stephenson violated the law which prohibits anyone from contributing money to assist a candidate for the legislature, residing outside of the district in which the contributor resides, in that he paid to Thomas Reynolds, candidate for the assembly, \$180.

What statute was violated by that?

Mr. HUSTING. 4543-B, I think it is.

The CHAIRMAN. That is the statute set forth on page 2237 of the senate committee's report?

Mr. HUSTING. Yes, sir.

The CHAIRMAN. I am going to ask you as to the application of that provision. Isaac Stephenson was the contributor, was he not, according to your interpretation of it?

Mr. HUSTING. The contributor; yes, sir.

The CHAIRMAN. And the jurisdiction is his jurisdiction territorially and not that of the man receiving it? Is that true?

Mr. HUSTING. I do not quite get that, Senator.

The CHAIRMAN. It says here:

Assist a candidate for the legislature residing outside of the district in which the contributor resides.

What does that mean—the legislative district?

Mr. HUSTING. It means the district within the meaning of that section, 4543-B (reading):

No person shall, directly or indirectly, give, subscribe, promise or pay, or agree to pay, any sum of money or thing of value to procure or aid in procuring the nomination or election of any person to the senate or assembly of this State unless the person so making such subscription, promise, payment, or agreement is a citizen or bona fide resident of the district in which such other person is or seeks to be chosen, voted for, or elected.

The CHAIRMAN. That is the section under which you found that his contribution to the election of such men as Reynolds and others violated the statute?

Mr. HUSTING. Yes, sir.

The CHAIRMAN. All right. The next is the fourth one:

Isaac Stephenson violated the civil-service law of this State when he caused to be paid money, which the evidence shows was paid, to State Game Warden Stone and L. B. Dresser, then president of the State board of control.

Mr. HUSTING. Yes, sir.

The CHAIRMAN. Those were both State officials, were they?

Mr. HUSTING. Yes, sir.

The CHAIRMAN. What statute did he violate when he paid money to those persons for their support?

Mr. HUSTING. Section 990-28.

Mr. LITTLEFIELD. What is that—the one under the head of "Political Assessments Prohibited?"

Mr. HUSTING. Yes, sir.

The CHAIRMAN. That is the statute set forth on pages 2239 and 2240 in this report?

Mr. HUSTING. Yes, sir.

Mr. LITTLEFIELD. May it appear there, if the chairman pleases, that it appears in the general statutes under the subhead of "Political Assessments Prohibited," on page 393 of the Wisconsin Statutes Supplement, edition of 1899-1906, page 393? This particular statute appears there under the title of "Political Assessments Prohibited."

The CHAIRMAN. Yes. We will adopt a uniform rule of reference in the report of the committee, which will probably be the original statutes. They can be procured at Washington from the library.

Mr. LITTLEFIELD. Yes. There will be no confusion then.

The CHAIRMAN. But having this before us now, it is convenient to refer to it.

Mr. LITTLEFIELD. Yes.

The CHAIRMAN (reading):

Isaac Stephenson personally employed Van Cleve to disburse money in the campaign, and knew of the payment by Van Cleve to Mr. Noyes for the purpose of stimulating him and his paper to further editorial activity in behalf of Stephenson.

What statute was violated there?

Mr. HUSTING. The bribery statute.

The CHAIRMAN. You rely, then, upon section 4478 of the Revised Statutes, at page 2242 of this report; do you?

Mr. HUSTING. Yes, sir.

The CHAIRMAN. Was Mr. Noyes the editor of the Free Press?

Mr. HUSTING. No, sir; the Marinette Eagle.

The CHAIRMAN. Is that the paper that has a hyphenated name?

Mr. BLACK. It is the Marinette Eagle and Star.

The CHAIRMAN. That is it. And that you considered to be bribery?

Mr. HUSTING. Yes.

The CHAIRMAN. Was there any element of bribery other than stimulating him and his paper to further activity?

Mr. HUSTING. There is evidence in the record showing he did that to this editor as a person and not to the corporation for which he was working.

The CHAIRMAN. That is your point?

Mr. HUSTING. Yes.

The CHAIRMAN. We will take now the sixth one:

Isaac Stephenson gave to Rev. F. W. Eppling, who was and had been a supporter of McGovern for United States Senator, \$200, and thereupon the said Eppling became a supporter of Stephenson.

Is that under the bribery clause?

Mr. HUSTING. Yes.

The CHAIRMAN. The seventh is as follows:

Isaac Stephenson paid \$100 to one Howie, whom he supposed to be influential with the laboring men, and arranged with one N. L. James, who subsequently received money from the Stephenson campaign fund, part of which was used in hiring Democrats to work among the Democrats for Stephenson.

That is also under the bribery clause?

Mr. HUSTING. Yes.

The CHAIRMAN. Is it under any other?

Mr. HUSTING. No, sir.

The CHAIRMAN. The eighth is:

Isaac Stephenson paid large sums of money to Morgan and others, which was afterward used by them to induce other persons to assist in procuring the election of Isaac Stephenson.

Is that under the bribery clause also?

Mr. HUSTING. Yes.

The CHAIRMAN. To what Morgan do you there refer?

Mr. HUSTING. Earl J. Morgan.

The CHAIRMAN. Is he the son-in-law of Mr. Stephenson?

Mr. HUSTING. Yes.

The CHAIRMAN. The ninth seems to be a conclusion rather than a statement; but so that there will be no lapse of numbers I will read it:

It is apparent from the whole record that the method employed by Isaac Stephenson in disbursing money in the campaign in no manner differed from the method employed by his managers and the workers under them.

Mr. HUSTING. Yes. I will say that clause was put in there for this reason: The preceding clauses recite the part that Isaac Stephenson personally took in the campaign, and this clause was put in there because the inference was drawn that it in no way differed from the method adopted by his campaign managers.

The CHAIRMAN. You have there for the moment abandoned the specific statement, and pause to draw a conclusion from it.

Mr. HUSTING. Yes.

The CHAIRMAN. The next one is of the same character. It is a conclusion drawn from statements that you had made.

Mr. HUSTING. No; that is a statement of the facts that appear from the record.

The CHAIRMAN. Very well. I will read it:

On the whole record it further appears that Stephenson kept in touch with his managers and the campaign; that he traveled over the State, visiting various counties in which large sums of money were shown to have been disbursed by his managers; that he received and entertained daily large numbers of voters at his home in Marinette; and that he kept in communication, by mail and telephone, with his managers and other people throughout the State interested in his campaign, and took an active part in the campaign. He was at his home in Marinette throughout the campaign, except when at the headquarters in Milwaukee or traveling about the State.

Do you assert that that is based on testimony that had been given before the committees?

Mr. HUSTING. Yes. A large part of it is given in what we call the appendix attached to this, and also in the report itself before the summary.

The CHAIRMAN. You state that the testimony shows that Senator Stephenson was at his home throughout the campaign, except when at the headquarters in Milwaukee or traveling about the State.

Mr. HUSTING. Yes.

The CHAIRMAN. In other words, that he was in the State during the entire campaign?

Mr. HUSTING. Yes.

The CHAIRMAN. I ask that because Senator Stephenson will be given an opportunity to state where he was. That is the tenth. The eleventh is as follows:

On the whole record, therefore, Stephenson is charged with knowledge of the manner in which his campaign was being conducted and the purposes for which money was being disbursed.

Mr. HUSTING. Yes.

The CHAIRMAN. That is a general charge. You have no specific items to give, I suppose, upon which you base that?

Mr. HUSTING. I think there is evidence of a letter that he wrote to Mr. Dresser.

The CHAIRMAN. Let us see about that. Can you refer us to the letter?

Mr. HUSTING. It is somewhere in the record.

The CHAIRMAN. In which record is it? Let us pause, now, and get it in connection with this statement.

Mr. HUSTING. It shows he took part in the campaign in the manner——

Mr. LITTLEFIELD. On what paragraph are we now?

The CHAIRMAN. I am on the eleventh; but I want, if possible, to get the Dresser letter and put it in.

Mr. LITTLEFIELD. That is, the Dresser letter as proof of that charge?

The CHAIRMAN. What I am trying now to do is to find out what the committee relied upon.

Mr. HUSTING. You are stating that too broadly.

The CHAIRMAN. That will all be in the record. I want the letter to be as close to that statement as possible.

Mr. HUSTING. I think the letter appears on page 1667.

Mr. BLACK. It is on page 1632 of the joint investigating committee's record.

The CHAIRMAN. Do you refer to this letter dated July 14, written by Hon. L. B. Dresser to I. Stephenson?

Mr. HUSTING. No; I refer to the letter from Isaac Stephenson to L. B. Dresser; and I want to say that is one of the things——

The CHAIRMAN. Yes; but we can only put in one thing at a time. Let us get this letter, which you say establishes that fact. You refer to the letter from Stephenson to Dresser?

Mr. HUSTING. Yes.

The CHAIRMAN. That is on page 1632 of the joint hearings. I will read this letter into the record, and have you state whether or not it is the letter to which you refer:

MARINETTE, WIS., July 14, 1908.

Hon. L. B. DRESSER,
St. Croix Falls, Wis.

DEAR SIR: Your letter received and contents fully noted. In regard to the work of Mr. Hetting, I have no one in the counties named by you unless it is Mr. T. S. Whitten, of Hayward, Sawyer County. Whether the management in Milwaukee has anyone, I do not know. It may be well to write Mr. Puelicher, of the Marshall & Isley Bank, if he has and who they may be.

If you think it was necessary to have anyone to help Mr. Hetting in the counties named you may employ such help as may be necessary, and some one that can be relied upon will take care of the expense and have them do the work promptly. I hope some one will be looking after Douglass.

Let me hear from (you) when you think best and with all the possible information.

Very truly, yours,

ISAAC STEPHENSON.

Send nomination papers direct to J. H. Puelicher, Marshall & Isley Bank, Milwaukee. Send mail to me.

I. S.

That is the letter to which you refer?

Mr. HUSTING. Yes.

The CHAIRMAN. That is in connection with the eleventh charge?

Mr. HUSTING. Yes. Does the chairman wish to have any more instances in which we charge knowledge?

The CHAIRMAN. Yes.

Mr. HUSTING. It is stated in the record that he personally paid money to Mr. Reynolds; that he paid money to Game Warden Stone and L. B. Dresser.

Mr LITTLEFIELD. Mr. Stephenson did?

Mr. HUSTING. Yes.

The CHAIRMAN. I think you have that under another number, and I expect we will come to that.

Mr. HUSTING. And money paid to Van Cleve and to Howie and Morgan, and his being interested and being in communication with his managers, and directing the payment to the editor of the Marinette Star and Eagle.

The CHAIRMAN. That is the claim on which you based the eleventh charge?

Mr. HUSTING. And the entire record

The CHAIRMAN. That will always be understood; but we want something specific.

We will take up the twelfth, which seems to be something in the nature of a conclusion:

It follows, therefore, that he is charged with knowledge of the fact that his managers, agents, and workers at the close of the primary campaign destroyed such memoranda as had been kept.

You charge him with that specifically?

Mr. HUSTING. Yes.

The CHAIRMAN. Upon what do you base that charge?

Mr. HUSTING. The whole record; the fact that he did not exact information from them; the fact that he did not ask them, when the campaign was over, what they did with the money, from Mr. Stephenson down to the poll worker.

The CHAIRMAN. You say it depends upon the whole record. We will not go into an argument about that. Let us take the thirteenth:

The failure to keep or require accounts, and the practice of destroying original memoranda by those engaged in disbursing Stephenson's funds in the campaign, makes it clear that there was premeditation and method upon the part of Stephenson and his managers to cover up their methods of conducting the campaign. That he approved of these methods can not be doubted.

Is that upon the whole record?

Mr. HUSTING. It is on the whole record, and some things in particular.

The CHAIRMAN. What are a few of the particular things?

Mr. HUSTING. The fact that Senator Stephenson was a party with Mr. Puelicher, Mr. Sacket, and Mr. Edmonds in providing a manner of disbursing money through the banks so that it might not be known whence it came and where it went, making it absolutely impossible, even at the present day, for any committee or anybody to go into that bank and discover what are a part of the campaign disbursements and what are not.

The CHAIRMAN. I have made my note here, "upon the whole record and upon bank methods." That is in connection with the thirteenth.

Mr. HUSTING. Also the fact that he did not inquire of any of his agents or workers what they did with the money.

The CHAIRMAN. We dealt with that in the twelfth. I do not want to overlap the charges. We will now take up the fourteenth:

Stephenson's managers, in plain violation of law gave considerable sums of money to Levi H. Bancroft, C. C. Wellensgard, Thomas Reynolds, John Mulder, E. A. Everett, and W. L. Smith, who then were candidates for nomination to the assembly.

That, I suppose, refers back to section 4543-b; does it?

Mr. HUSTING. The same one I gave you a short time ago; yes, sir, 4543-b.

The CHAIRMAN. The fifteenth is as follows:

Stephenson's managers, in plain violation of law, gave \$2,500 to said Game Warden Stone and \$2,300 to L. B. Dresser, then president of the State board of control.

We have already a reference to that from you in the fourth specification.

Mr. HUSTING. Yes; and also the bribery statute.

The CHAIRMAN. You there refer us to section 990-28.

Mr. HUSTING. Yes; and I would like to add to this particularly, and the bribery statute.

The CHAIRMAN. The next one, which will be the sixteenth, is as follows:

The arrangement between Stephenson's managers and L. H. Stevens, cashier of a bank at Lancaster, Wis., to have such bank made one of the State depositories, was a clear violation of law.

Of what law was that a clear violation?

Mr. HUSTING. The bribery law.

The CHAIRMAN. I go on to the next one:

Edmonds, Stone, and others conspired to prevent the disclosure in the investigation of the fact that Stone, contrary to the plain provisions of the civil-service law and the corrupt-practices act, had received \$2,500 from the Stephenson campaign fund, in order more certainly to encompass the election of Isaac Stephenson by the legislature.

Do you class that as bribery, or as a violation of section 990-28?

Mr. HUSTING. A violation of both, and a violation of the perjury statute, and another instance of the attempt on the part of those connected with the Stephenson campaign to cover up the ultimate resting place of their disbursements.

The CHAIRMAN. The eighteenth one is as follows:

Stone and several of the deputy game wardens, at a meeting at Stone's home, entered into an understanding or agreement whereby Stone was to and did testify falsely in the investigation, with reference to the disbursements of the \$2,500 received from the Stephenson campaign fund. Assemblyman Thomas was present at that meeting and took part in the discussion.

What law was violated in that instance?

Mr. HUSTING. The same thing applies as was said previously.

The CHAIRMAN. Was Stone ever prosecuted for this act?

Mr. HUSTING. No, he was not; but the committee by its resolutions recommended prosecution of those who committed perjury. Stone is not the only one.

The CHAIRMAN. I merely wanted the fact.

Mr. HUSTING. There were others.

The CHAIRMAN. You have one here, following, which will be the nineteenth, as follows:

As bearing upon the election of Stephenson, by the legislature, it should be borne in mind always that his managers and agents used every means at their command to prevent any investigation whatever of the manner and means by which he obtained the primary nomination. It should further be remembered that for the purpose of putting an end to the investigation injunction proceedings were begun.

What became of those injunction proceedings?

Mr. HUSTING. They were passed upon by the supreme court, and the injunction was denied.

The CHAIRMAN. So that you do not now attach any importance to that as a lawyer, the court having held that the injunction should not be granted?

Mr. HUSTING. Except the importance is that they attempted to prevent it. It was not their fault that they did not do so.

The CHAIRMAN. You would not deny to anyone the attempt to go into court and stay there?

Mr. HUSTING. I do not know about that. I would like to say, in regard to the other part of that, that there is evidence in the record to show——

Mr. LITTLEFIELD [interrupting]. I want you to point out the evidence, if you are going to indicate or state the evidence.

The CHAIRMAN. This morning we had a reference to more than 30 pages of that testimony, and the committee, after consideration, decided that inasmuch as the supreme court had passed upon it, no good purpose would be served by putting it in the record. Therefore we refrained from doing it. I would not want now to make the action of the committee nugatory by pointing it out.

Mr. LITTLEFIELD. I do not want this witness to say what the evidence shows without calling my attention to the testimony.

The CHAIRMAN. He is not going to be allowed to state it.

Mr. LITTLEFIELD. Very well. He should not volunteer it without making it specific, then.

Mr. HUSTING. I was not volunteering it.

The CHAIRMAN. We come now to the next one, which will be the twentieth:

A large part of the money disbursed in the Stephenson campaign, probably a sum in excess of \$50,000, was used by Stephenson's managers to unlawfully and corruptly procure the nomination and election of Isaac Stephenson to the United States Senate.

I suppose that is general?

Mr. HUSTING. Yes; that is on the whole record.

The CHAIRMAN. The next one is as follows:

Further, Isaac Stephenson was elected by the legislature to the United States Senate, by a majority of three votes, while the charges of corruption, against him, were being investigated by the legislature.

You would not expect the United States Senate to pass upon that, or to place on trial the legislature of a great State like Wisconsin?

Mr. HUSTING. No; I do not think the committee or the United States Senate care to do that.

The CHAIRMAN. I will now read the next one, which will be the twenty-second:

In addition to the several acts of corruption and fraud herein referred to, it should be remembered that the election of Isaac Stephenson on the 4th day of March, was made possible by three Democrats, who, at the instigation of the Stephenson managers and agents, walked out of the joint assembly when it became known that their presence would prevent the election of Isaac Stephenson.

After reading that much of this so-called conclusion or charge, I desire to pause, so that it may be divided. You have heard the testimony that was deduced before the joint committee and your senate committee, and also before this committee. Do you still desire to stand by that charge?

Mr. HUSTING. Yes.

The CHAIRMAN. Do you think Mr. Ramsey stayed out of the legislative hall because he was bribed?

Mr. HUSTING. I believe some inducement was held out to those men to stay out. That is my conviction.

The CHAIRMAN. I am talking about Mr. Ramsey. I will say to you, in order that you may be advised of the fact, that we have verified the validity of the telegram which was sent from Mr. Fenelon to Mr. Ramsey, and to which Mr. Ramsey replied, before the election took place. That verification has come in this morning. I think it is evidence that would satisfy anyone. If Mr. Ramsey was paired, would you still say that you thought this charge was fair to Mr. Ramsey?

Mr. HUSTING. Mr. Ramsey was one of the members that voted for this investigation, and he voted for the resolutions when they came up in the legislature. One of the inexplicable things about the investigation was the fact that Mr. Ramsey at a crucial moment should pair with a man who had not been in attendance during the entire session.

The CHAIRMAN. He had voted on three different days on the senatorial question, and your journal shows that.

Mr. HUSTING. That he had voted on the United States senatorship?

The CHAIRMAN. At three different times.

Mr. HUSTING. I was not aware of that.

Mr. LITTLEFIELD. That shows how little you know about it.

The CHAIRMAN. I shall withhold a positive assertion until I refer to the record. I have made some memoranda respecting it.

Mr. LITTLEFIELD. He voted four times for Senator Stephenson.

Senator POMERENE. Mr. Fenelon?

Mr. LITTLEFIELD. Yes; on the 26th in the assembly, and three times in the joint convention—on the 27th, the 28th, and the 29th.

The CHAIRMAN. I had three times quite distinctly in my mind. That establishes a fact of which you were not advised?

Mr. HUSTING. That is true; but that would not change my opinion in the matter at all.

The CHAIRMAN. You knew Mr. Ramsey?

Mr. HUSTING. Yes.

The CHAIRMAN. He was an honorable man?

Mr. HUSTING. I thought he was, up to that time.

The CHAIRMAN. If he was paired, it was not an unusual circumstance in that contest, was it?

Mr. HUSTING. It was on the part of Mr. Ramsey. Mr. Ramsey had stayed in when the matter was up, and the Democrats and Socialists and Republicans walked out of the legislature; Mr. Ramsey stayed and voted because he said he had been sent there to vote. So I was advised by other Democrats.

The CHAIRMAN. You are not speaking of anything Mr. Ramsey told you?

Mr. HUSTING. No; I am talking of something that somebody told me. At least the fact remains that he did stay there and vote when his vote was favorable to Senator Stephenson, and then walked out when it had the same effect. Members were paired there when men were called away, or it was convenient for two to stay away; but Mr. Ramsey was present there, and left immediately before the vote was taken.

The CHAIRMAN. Mr. Ramsey voted alone for George W. Peck on Tuesday?

Mr. HUSTING. Yes.

The CHAIRMAN. You have heard the testimony in regard to what is called the "frame-up," pursuant to which these three men were absent at the time the vote was taken on the 4th of March. Do you still adhere to the belief that those three men were met in the Plankinton House, and were there bribed to remain away from that session of the legislature?

Mr. HUSTING. No, sir.

The CHAIRMAN. You do not believe that?

Mr. HUSTING. No, sir; not in the manner testified to by the witness Wagner, and we so stated.

The CHAIRMAN. So we may dismiss that on your account, and on account of the facts?

Mr. HUSTING. Absolutely.

Senator POMERENE. There was a statement to that effect published shortly after the investigation?

Mr. HUSTING. Yes; within 36 hours after the testimony was taken.

The CHAIRMAN. Did you consider that there was any other evidence that the three men were bribed to be absent from the legislature, upon which you based this twenty-second finding or conclusion?

Mr. HUSTING. No, sir.

The CHAIRMAN. So we may eliminate that finding?

Mr. HUSTING. Yes; from all reports.

The CHAIRMAN. It may have been political turpitude, but not political corruption? Is that your idea?

Mr. HUSTING. Mr. Wagner's statement, upon investigation, proved to be without foundation as far as his testimony was concerned.

The CHAIRMAN. There was no other testimony on the subject, was there?

Mr. HUSTING. There was no testimony as to the fact in the manner in which Mr. Wagner testified to it. The idea prevailed that these three men walked out, and the general belief among the legislators and on the part of a great many of the public, I think, was that something was done. But there was no evidence before our committee to show what was done, or in what manner it was done.

The CHAIRMAN. You have heard the testimony that has been taken before this committee. There has been no such evidence here.

Mr. HUSTING. I do not think I care to pass upon the evidence that has been brought out before this committee.

The CHAIRMAN. I am now purging this statement that you made in a responsible capacity.

Mr. HUSTING. Yes.

The CHAIRMAN. That is the only reason I am asking you in regard to these matters.

Mr. HUSTING. Yes.

The CHAIRMAN. I do not desire, after this investigation is closed, to hear it stated that we passed over anything without sufficient consideration, or, to use a homely expression, "whitewashed" any of these charges. You being the responsible author of them, it is very proper to give you the opportunity before the committee to withdraw those that you think have not been sustained. It is only fair to you, and just to the parties interested, that we do that. That is the reason we are doing it now.

Mr. HUSTING. As far as the testimony before our committee was concerned, I consider there was no evidence of the facts testified to by Mr. Wagner.

Senator POMERENE. You mean, by that, no evidence worthy of credence?

Mr. HUSTING. Yes.

Senator POMERENE. There was no evidence?

Mr. HUSTING. Yes.

Senator POMERENE. None worthy of credence.

Mr. LITTLEFIELD. I will ask the witness to point that out later.

The CHAIRMAN. Is counsel discriminating between the words "evidence" and "proof?" I ask that because I do not want anything to come up later in connection with that question.

Mr. LITTLEFIELD. No. I understand the suggestion now is that outside of Mr. Wagner's testimony there was evidence.

Senator POMERENE. Oh, no. My point is this: Mr. Wagner had testified before the committee. The statement of the witness indicated that there was no evidence at all. I simply wanted the record to be clear upon the subject, as there was evidence in fact, or testimony, but none that the Wisconsin Senate committee considered worthy of credence, or that in the judgment of the witness was worthy of credence.

Mr. LITTLEFIELD. If he confines it to Mr. Wagner, that covers the whole ground.

Senator POMERENE. That is the point I intended to make by my suggestion.

Mr. LITTLEFIELD. I get the point.

The CHAIRMAN. We may fairly assume that counsel does not desire that it be stated or established that these men were bribed to stay out.

Mr. LITTLEFIELD. Oh, not at all! I do not think there is any intimation that I have made that can be so construed.

The CHAIRMAN. I have divided what I call the twenty-second conclusion, because it embraces two distinct subjects. I will now read the latter half of it:

Besides, it must be remembered that Stephenson was the only candidate before the legislature, Hatton, Cook, and McGovern having abided by the result of the primaries. In other words, the other senatorial candidates, together with members of the legislature generally, and the general public, regarded the primary as final, and considered that nothing remained to be done in the matter except to elect the primary nominee. Those who opposed Stephenson in the legislature did so only because they considered that the charges had been made should be thoroughly investigated before electing a United States Senator, and to that end cast their votes for each other and certain other men were not candidates, which was in effect withholding their votes from Stephenson until the charges had been fully investigated.

That really states the situation as you understood it, I suppose?

Mr. HUSTING. Yes; except that the word "charges" was not confined to Mr. Blaine's charges, but covered the charges that were being made generally, through the press and otherwise.

Mr. LITTLEFIELD. What is that? You do not confine the charges to the Blaine charges?

Mr. HUSTING. No.

The CHAIRMAN. Did you consider, in that connection, the charges or investigation made relative to other candidates before the primary? I notice that you went into the matter of several other candidates.

Mr. HUSTING. Yes. That meant the entire situation, generally.
The CHAIRMAN. We will come now to the 24th:

Many members of the legislature voted for Senator Stephenson "under protest," and others stated only that they voted for him solely because of his having received the nomination in the primary. Under the evidence it was certain that he would not have been elected by the legislature had he not previously received the primary nomination. Fraud, therefore, connected with his primary campaign, resulting in his nomination, contributed directly to his election by the legislature.

It was upon that that you investigated the primary campaign, was it?

Mr. HUSTING. Partly, and partly on account of the making of new legislation, and partly on account of testing the legality of the nomination of Senator Stephenson and the question of the senatorship generally.

The CHAIRMAN. What do you mean by "making new legislation"?

Mr. HUSTING. We were directed under the resolution to suggest legislation, which we did, and which was finally passed.

Senator POMERENE. That is the corrupt practices act?

Mr. HUSTING. Yes.

The CHAIRMAN. That is the existing law, I suppose, or a modification of it?

Mr. HUSTING. Yes.

The CHAIRMAN. That was what you meant by this reference?

Mr. HUSTING. Yes; and also for the purpose of showing the position of the committee in believing that the methods before the primary were material upon the question of whether he was legally elected.

The CHAIRMAN. That concludes the specific findings that you have made. You then pass to the law. We do not need to take that up. You say, after citing certain authorities:

This, in the opinion of the committee, Stephenson's managers, and workers, did, thereby changing enough votes to give him the nomination in the primary and the election before the legislature.

The finding of the committee is that the nomination in the primary and the election to the Senate by the legislature of Isaac Stephenson, of Wisconsin, is null and void, on account of attempted bribes and bribes, and corrupt practices by himself and by his campaign managers, agents, and workers, and of violations of the laws of Wisconsin defining and punishing offenses against the elective franchise.

We will pass over the recommendations except the one that I have already read into the record in regard to certifying the proceedings to the United States Senate. It will not be necessary to incorporate those with reference to future legislation in the State.

Mr. HUSTING. In connection with that, I want to say that of course this resolution and report were adopted by the subsequent session of the legislature.

The CHAIRMAN. I was just approaching that question. I understand that when you made this report to the governor on January 10, 1911, he transmitted it to the legislature?

Mr. HUSTING. Yes.

The CHAIRMAN. What action did the legislature take?

Mr. HUSTING. Both houses of the legislature passed the resolution and adopted the report in the words of the resolution.

The CHAIRMAN. Those resolutions are not printed here.

Mr. HUSTING. No; they are not printed here, because they were subsequent.

The CHAIRMAN. Certified copies of them will be incorporated into the record of this case.

This committee has examined in this proceeding every witness who was called before either your joint committee or the senate committee, with the exception of the following: P. E. Broughton, a newspaper man, connected with the Fond du Lac Independent. The committee has examined Mr. Broughton's testimony, as taken before your committee. It appears that he received \$846.46. He was closely examined by the members of your committee, and the fact was developed in regard to the manner in which he expended the money. There seemed to be no unusual features which were distinctive from the manner in which others who received such sums testified to having expended those sums. Do you recall any special significance to be given to Mr. Broughton's testimony that would add to the information of this committee?

Mr. HUSTING. No; I do not think Mr. Broughton was Mr. Stephenson's manager. I think he was for Hatton or for Cook. So his testimony would not have any bearing here.

The CHAIRMAN. I will give you some further facts: One attempt to connect him with the Stephenson campaign was the statement he made that R. L. Morse had lost Stephenson's money by gambling. This statement was denied by Morse, and the denial was supported by an affidavit at page 4443 of the joint committee proceedings. You say:

The witness is therefore not called before this committee.

I want to know whether you know of any special features in connection with his testimony that we ought to know.

Mr. HUSTING. No; I do not.

The CHAIRMAN. Mr. C. E. Crothers is the editor of the Neillsville Republican and Press. He appeared before the senate committee, and his testimony commences at page 654 of the senate journal. On page 670 he testifies to a conversation with M. C. Ring, in which some attempt is made to make it appear that Ring had sought to purchase the influence of his newspaper. Ring testified before the committee that he had received certain money, but denied that he had made any attempt whatever to purchase the influence of this paper, more than to persuade the editor that Mr. Stephenson was the right man to support. Do you recall any circumstances that would seem to make it important that this committee should examine Mr. Crothers? Do you think any new point would be developed?

Mr. HUSTING. I have none in mind; no, sir.

The CHAIRMAN. A. O. Eastman was examined before your committee and before the joint committee.

Mr. LITTLEFIELD. If the chairman please, I would say as to Mr. Eastman that he is now in California, and we propose to ask the committee to allow us to use so much of his testimony before the joint committee as relates to his denial of Mr. Blaine's statement. That is the best we can do.

The CHAIRMAN. I have another purpose in mind. I want to know whether or not there is anything in the minds of the members of the committee of the senate of the State of Wisconsin, over whose report I have just gone, which can suggest important testimony that ought to be brought out by the United States Senate committee. This

witness was charged by Senator Blaine, at page 660, with going down to Madison during the consideration of the resolution for the investigation, and having said he came down to pull him (Blaine) off the fight; that he did not want it carried on. Mr. Eastman denies Mr. Blaine's charge at page 1293, and denies the conversation that Mr. Blaine claims to have had with him. He admits that during the first month of the campaign he had not definitely decided to support Senator Stephenson, that he was favorable to Cook, but that he had changed his mind, unsolicited by anyone, and supported Senator Stephenson.

You remember that witness and the facts concerning his testimony. In your judgment was there any feature of that testimony that would add to the case already before this committee which would make it worth while to go to the expense and trouble of bringing him here?

Mr. HUSTING. I have not anything in mind except that his testimony speaks for itself. Whether that is material I do not recall.

The CHAIRMAN. You remember the testimony of Dr. Gehbe?

Mr. HUSTING. I remember a part of it.

The CHAIRMAN. Do you remember anything that would impress you with the idea that he could add anything to the information of this committee which would be important for it to consider?

Mr. HUSTING. There is some testimony, I recollect, that he gave in regard to having been promised by Mr. Edmonds's support for State chairman in consideration of his——

The CHAIRMAN. That seems to have been a purely personal controversy, and to have dealt with the period after the primary and during the campaign in the general election.

Mr. HUSTING. The promise, as I recollect it, was made before the primary, and the controversy occurred after the primary, when there seemed to be a question of fact raised between Mr. Edmonds and Mr. Gehbe as to whether he had made the promise or not.

The CHAIRMAN. J. R. Jones testified before the joint committee that he received \$783.50; and he gives about the usual account of expenditures, organization, and the payment of money to other parties to do the same character of work, etc. You remember his testimony?

Mr. HUSTING. I remember his testimony particularly.

The CHAIRMAN. Do you remember anything that would indicate to you that he should be brought before this committee, and that he would add anything to the testimony affecting the validity of Senator Stephenson's election?

Mr. HUSTING. I do not remember anything that would vary his testimony from that of a great many others.

The CHAIRMAN. William H. Kohl testified before your committee?

Mr. HUSTING. Yes.

The CHAIRMAN. He was intrusted with about \$200, and seems to have accounted for it in the usual way. Do you know of any special features about Mr. Kohl's testimony that would suggest to you that he ought to be called here?

Mr. HUSTING. He is from my home county. I remember he was asked in regard to whether he received any money in the primary, and then was asked as to whether or not he had not been promised some post offices by Senator Stephenson, which he denied at the

time, I might add that he has received them since—that is, that his recommendations have been carried out since that time.

The CHAIRMAN. His testimony would seem to indicate that he had been in the habit of seeing Senator Stephenson about the post offices in that county, and of being consulted about them. The committee went through his testimony rather carefully. We were inclined to investigate it more closely than the testimony of any other witness. We are unable to determine that there was about his case anything outside of what is ordinary in similar cases where Senators and Representatives must confer with their constituents.

Mr. HUSTING. When I said he received post offices, I meant that his recommendations were adopted.

The CHAIRMAN. Yes; his recommendations were adopted in a number of cases.

Mr. HUSTING. Two cases that I remember.

Mr. LITTLEFIELD. That seems to have been volunteered by the witness.

The CHAIRMAN. What is that?

Mr. LITTLEFIELD. This statement about his recommendations having been adopted.

The CHAIRMAN. The chairman stated that.

Mr. LITTLEFIELD. I know; but the witness had no occasion to volunteer that. That is the point I make.

Mr. HUSTING. The chairman asked me to state whether or not there was anything of importance that I might suggest. I have suggested it as something that might be of importance.

The CHAIRMAN. The statement will stand.

Inasmuch as we shall not be able to finish with this witness, the committee will at this time take a recess until 2 o'clock.

(Whereupon, at 12 o'clock and 35 minutes p. m., the committee took a recess until 2 o'clock p. m.)

AFTER RECESS.

The recess having expired, the subcommittee reassembled.

The names of Lawrence Murphy, Roy E. Reed, and Archibald Hamilton were called.

Mr. Reed and Mr. Hamilton responded and were duly sworn by the chairman.

The CHAIRMAN. Mr. Husting, we will ask you to step aside for a minute.

TESTIMONY OF ARCHIBALD HAMILTON.

ARCHIBALD HAMILTON, having been previously duly sworn, was examined and testified as follows:

The CHAIRMAN. Mr. Hamilton, were you an inspector at the primary election in 1908?

Mr. HAMILTON. Yes, sir.

The CHAIRMAN. In the second precinct of the seventeenth ward?

Mr. HAMILTON. Yes, sir.

The CHAIRMAN. Did you receive any money from Senator Stephenson or his representatives during that primary campaign?

Mr. HAMILTON. Yes, sir.

The CHAIRMAN. How much did you receive?

Mr. HAMILTON. \$25.

The CHAIRMAN. For what purpose did you receive it?

Mr. HAMILTON. To work in the fifth precinct of the twelfth ward.

The CHAIRMAN. How did you expend it?

Mr. HAMILTON. For my own personal expenses for peddling his literature and his pictures, you understand.

The CHAIRMAN. For distributing literature and pictures?

Mr. HAMILTON. Yes, sir.

The CHAIRMAN. Did you expend it all for that purpose?

Mr. HAMILTON. Yes, sir.

The CHAIRMAN. Did you pay it out to other people, or do the work yourself?

Mr. HAMILTON. I did the work myself.

The CHAIRMAN. And kept the money?

Mr. HAMILTON. No, sir.

The CHAIRMAN. What did you do with the money?

Mr. HAMILTON. If I went down into the twelfth ward and went into a saloon with that literature and hung it up, they expect you to buy cigars for the boys, or maybe a cigar for the fellow himself.

The CHAIRMAN. Did you expend it all in that way?

Mr. HAMILTON. Every cent.

Senator POMERENE. When were you appointed as an inspector?

Mr. HAMILTON. I was an inspector for about 10 years. I can not just remember when it was.

Mr. LITTLEFIELD. In what ward were you an inspector?

Mr. HAMILTON. The seventeenth ward.

Senator POMERENE. The second precinct?

Mr. HAMILTON. Yes, sir; the second precinct of the seventeenth ward.

Senator POMERENE. And during the time of the Stephenson campaign you were an inspector?

Mr. HAMILTON. Yes, sir.

Senator POMERENE. And had been continuously for several years prior thereto?

Mr. HAMILTON. Yes, sir.

Senator POMERENE. During the campaign?

Mr. HAMILTON. Yes, sir.

Senator POMERENE. And since the campaign?

Mr. HAMILTON. No, sir.

Senator POMERENE. When did your term expire?

Mr. HAMILTON. About four years ago, or five. It was either four or five years ago. I moved out of that precinct. The work I did for Mr. Stephenson was not in the seventeenth ward. I was working in the twelfth ward.

Senator POMERENE. I am asking you whether you were an inspector during that campaign and since?

Mr. HAMILTON. Yes, sir. Let me see, that was the fall campaign—

Senator POMERENE. That was in the fall of 1908.

Mr. HAMILTON. I believe my term expired the following spring.

Senator POMERENE. That is, in the spring of 1909?

Mr. HAMILTON. That campaign was in the fall.

Senator POMERENE. That is all.

Mr. LITTLEFIELD. Did you use any of the \$25 that was given to you for the purpose of either bribing or improperly or corruptly influencing any electors in the interest of Senator Stephenson in that primary campaign?

Mr. HAMILTON. Not a cent.

Mr. LITTLEFIELD. You used it all in the seventh ward in the manner you have described?

Mr. HAMILTON. No, sir; in the twelfth ward.

Mr. LITTLEFIELD. Yes; in the twelfth ward. You used it all in the twelfth ward?

Mr. HAMILTON. Yes, sir.

Mr. LITTLEFIELD. And in the fifth precinct, in the manner you have described?

Mr. HAMILTON. Mostly in the fifth and one of the other precincts. I do not remember the number of the precinct, but I know the district well.

Mr. LITTLEFIELD. Was any complaint ever made as to the manner in which you discharged the duties of inspector on that election day?

Mr. HAMILTON. No, sir.

Mr. LITTLEFIELD. By anybody?

Mr. HAMILTON. No, sir; not by anybody. There never was.

Mr. LITTLEFIELD. Was any complaint made that there was any improper conduct on the part of any of the election inspectors—

Mr. HAMILTON. Not one.

Mr. LITTLEFIELD (continuing). In the fifth precinct of the twelfth ward, while you were a member of the board of inspectors?

Mr. HAMILTON. I can not tell you anything about the precinct inspectors in the twelfth ward at all.

Mr. LITTLEFIELD. I mean, was any complaint ever made by anybody as to any improper conduct on the part of the inspectors in the fifth precinct (where you were an inspector) of the twelfth ward?

Mr. HAMILTON. I never was an inspector in the fifth precinct.

Mr. LITTLEFIELD. Oh! The seventeenth?

Mr. HAMILTON. I was in the second precinct of the seventeenth ward.

Mr. LITTLEFIELD. Oh, yes; I get it mixed.

Mr. HAMILTON. No, sir.

Mr. LITTLEFIELD. Was there any complaint made by anybody—

Mr. HAMILTON. No, sir.

Mr. LITTLEFIELD (continuing). Of any improper conduct on the part of the inspectors in the second precinct of the seventeenth ward?

Mr. HAMILTON. No, sir.

Mr. LITTLEFIELD. That is where you were an inspector?

Mr. HAMILTON. Yes, sir.

Mr. LITTLEFIELD. That is all.

The CHAIRMAN. Your correct name is Archibald Hamilton, is it?

Mr. HAMILTON. Yes, sir.

The CHAIRMAN. Of what nationality are you?

Mr. HAMILTON. I am Scotch.

The CHAIRMAN. Scotch?

Mr. HAMILTON. Yes, sir; and proud of it.

Mr. LITTLEFIELD. That is nothing to be ashamed of.

The CHAIRMAN. You will be excused.

TESTIMONY OF ROY E. REED.

ROY E. REED, having been previously sworn, was examined and testified as follows:

The CHAIRMAN. Mr. Reed, you have been sworn?

Mr. REED. I have; yes, sir.

The CHAIRMAN. Where do you reside?

Mr. REED. At Ripon, Wis.

The CHAIRMAN. Were you acquainted with Mr. Thomas Ramsey during his lifetime?

Mr. REED. I met him this last winter; that was all. Prior to that I did not know him.

Mr. LITTLEFIELD. Fenelon is the man he knows.

The CHAIRMAN. Yes. I want to find out about both of them. You had not met him until this last winter?

Mr. REED. No.

The CHAIRMAN. You are acquainted with Mr. Fenelon?

Mr. REED. Yes, sir.

The CHAIRMAN. On the 4th of March, 1909, did you, at the request of Mr. Fenelon, send any telegram to Mr. Ramsey?

Mr. REED. Yes, sir; I did.

The CHAIRMAN. Have you a copy of the telegram?

Mr. REED. I have not a copy of the telegram itself. I have a copy of the reply.

The CHAIRMAN. First, have you a copy of the telegram which you sent?

Mr. REED. I have not; but it appears in the record here.

The CHAIRMAN. It is correctly reported, is it?

Mr. REED. It is not exactly correct in the Senate committee's report. It is just a question of requesting a pair on "United States Senate" where it should say "United States Senator."

The CHAIRMAN. Do you remember the contents of the telegram which you sent for Mr. Fenelon?

Mr. REED. I could give it to you exactly if I had that report. It is just a change of a word or two.

The CHAIRMAN. Have you it there?

Mr. LITTLEFIELD. Yes.

The CHAIRMAN. Let him see it. [Mr. Littlefield handed to the witness the book containing the testimony taken before the joint investigation committee.]

Senator POMERENE. What page is that?

The CHAIRMAN. Give the page of the book.

Mr. REED. It is page 4066.

The CHAIRMAN. Read it as it is there, and state wherein it is not correct.

Mr. REED [after examining book]. It is correct here.

The CHAIRMAN. It is? Read it, then.

Mr. REED (reading):

Can't you pair with me on United States Senator——

The CHAIRMAN. Give the full date and everything.

Mr. REED (reading):

RIPON, WIS., *March 4, 1909.*

THOMAS RAMSEY,

Assembly, Madison, Wis.:

Can't you pair with me on United States Senator? Am much better; papers reports wrong.

JAMES FENELON.

The CHAIRMAN. Is there any indication of the hour of sending?

Mr. REED. There is down in the left-hand corner—"11.01 a. m.," and down in the right-hand corner "11.06."

The CHAIRMAN. Is that the telegram you sent?

Mr. REED. That is the telegram.

The CHAIRMAN. How did you come to send it?

Mr. REED. I received a telephone message early that morning, between 8 and 8.30 sometime, from Henry Overbeck, of Madison, asking if I thought Mr. Fenelon would pair with Ramsey on the senatorial question; and I told him I thought he would. He asked me to find out, and if so, to send a wire for the pair.

The CHAIRMAN. This was a telephone conversation, was it?

Mr. REED. This was a telephone conversation.

The CHAIRMAN. How did you send the wire?

Mr. REED. I immediately called up Mr. Fenelon's house by telephone. He resides about 2½ miles from Ripon. His nephew, Will Fenelon, answered the phone. I stated to him what Mr. Overbeck had said, and he then said that he would ask Mr. Fenelon; and I held the line, and he came back and said it would be all right to wire in his name for the pair to Mr. Ramsey.

The CHAIRMAN. What time was that?

Mr. REED. That was somewhere around 9 o'clock in the morning—9 or 10, or some place in there.

The CHAIRMAN. Now proceed.

Mr. REED. I did not know Mr. Overbeck except by reputation, so I made some inquiries and took some time to find out just his position on the senatorial question before I sent the telegram. I asked several people, and then sent the wire as it is given there. I also, at the same time, sent a wire to Mr. Overbeck, saying that I had sent the telegram. About, I should say, around 11 o'clock of that day I received a phone from Mr. Overbeck again asking what arrangement had been made in regard to the pair, and I told him I had sent the wire. When I delivered the message of Mr. Ramsey to the telegraph office at Ripon, I told them to deliver any reply that might come to me, and I paid the charge at that time. After that, I think it was immediately after dinner (though I am not sure; it might possibly have been just before I went to dinner), they delivered the reply from Mr. Ramsey which appears in the record.

The CHAIRMAN. Did it indicate when it was sent, or do you know whether it was sent before 12 o'clock or after?

Mr. REED. Until June 10, 1910, I had the original reply; and I have here now an exact copy, which I made myself.

The CHAIRMAN. What became of the original reply?

Mr. REED. I had occasion to write Senator Stephenson on an entirely different matter at that time, and in closing my letter I used this language (this is a copy of the letter that I wrote him):

In looking over some old papers the other day I ran onto the inclosed telegram, which you may like to file among your souvenirs.

In my letter file the other day I found that letter, and with it a copy of the telegram.

The CHAIRMAN. Read the telegram.

Mr. REED (reading):

WESTERN UNION TELEGRAPH CO.,
Madison, Wis., March 4, 1909.

Received at Ripon, Wis., 7ausnyk15 Paid.

JAMES FENELON, *Ripon, Wis.*:

Your request to pair on United States Senator granted. Glad to hear of your improvement.

THOMAS F. RAMSEY.

Then, following that, is "11.57 a. m.," and written on the original telegram was "Deliver to the office of L. E. and R. E. Reed."

Senator POMERENE. Who dictated the telegram as it was sent to Mr. Ramsey?

Mr. REED. I wrote it myself.

Senator POMERENE. At anyone else's dictation?

Mr. REED. No, sir.

Senator POMERENE. It was your own phrasing?

Mr. REED. Yes, sir; it was my own phrasing.

Senator POMERENE. Did you at any time see Mr. Fenelon yourself?

Mr. REED. I can not say just how soon after that I saw him. I saw Dr. Fenelon, "Will," that afternoon, and told him of the result of the message.

Senator POMERENE. Did you have any talk with Representative Fenelon himself as to this message?

Mr. REED. No; I had not. He has spoken of it recently—that is, within a year or so.

Senator POMERENE. Since the message was sent?

Mr. REED. Since the message was sent; yes, sir.

Senator POMERENE. On the subject of his pairing?

Mr. REED. Why, he has discussed the political situation. I can not just say as to that.

Senator POMERENE. What, if anything, was said on the subject of this pair, or the telegrams which had been sent or received by him or in his name?

Mr. REED. The last conversation that I remember the particulars of was recently, when he was subpoenaed to appear here. He said that there was no use in his going; that I knew his physical condition, and that I knew more about it than he did; that I could tell the committee whatever there was to it. I did not go into the details.

Senator POMERENE. Was anything else said?

Mr. REED. Not that I recall; no.

Senator POMERENE. Your information relative to this telegram, or your authority for sending it, came through his brother, the doctor?

Mr. REED. His nephew.

Senator POMERENE. His nephew, is it?

Mr. REED. Yes. I have here, if you would care to have it, an affidavit from the doctor himself, corroborating—

The CHAIRMAN. You had better have that affidavit in.

Senator POMERENE. Yes; I was going to ask him to put it in.

Mr. LITTLEFIELD. I telephoned from my room last night to Mr. Reed, suggesting that he bring the doctor down. But he had already gotten the affidavit from the doctor, and I told him I thought perhaps that would do.

Senator POMERENE. Just read the affidavit, so that I may know what it is.

Mr. LITTLEFIELD. State, in the first place, who drew the affidavit.

Mr. REED. I drew the affidavit, and it is acknowledged before W. R. Lyle, a disinterested notary.

Senator POMERENE. Just read it, so that I may know what it is.

(Mr. Reed then read aloud the above-mentioned affidavit, which was marked "Ex. Reed No. 1, Oct. 30, 1911," and is as follows:)

STATE OF WISCONSIN,

Fond du Lac County, ss:

William Fenelon, being first duly sworn, on oath deposes and says that he resides in the town of Ripon, in said county, with James Fenelon, former member of assembly from the second district of Fond du Lac County, and has resided with said James Fenelon for more than three years last past.

That on the morning of March 4, 1909, he answered the phone at said farm and Roy E. Reed, of Ripon, asked for James Fenelon, and I informed him he could not very well come to the phone, when said Reed told me that he had a chance to get a pair with a Democrat on the United States Senator election, having heard from Madison to that effect, and he then asked if James Fenelon would let him wire for the pair. That I then informed said James Fenelon of what Mr. Reed had said and returned to the phone and told said Reed that said James Fenelon said it would be all right to wire and ask for the pair, said James Fenelon having so informed me.

That thereafter said Reed informed me that Thomas Ramsey had paired with said James Fenelon on Senator.

That said James Fenelon is now at his home in said town, but through ill health ever since January, 1909, is unable to get out and around, and has a serious heart trouble.

That I know of my own knowledge, from having helped look after the business affairs of said James Fenelon during the year 1909, that said James Fenelon knew nothing about the election of Isaac Stephenson as United States Senator except from newspaper reports, and had no part therein other than authorizing said Reed to send the telegram as aforesaid.

WILLIAM FENELON.

Subscribed and sworn to before me this 23d day of October, 1911.

[SEAL.]

W. R. LYLE,
Notary Public, Wisconsin.

Notary public, Fond du Lac County, Wis. Commission expires December 1, 1912.

Senator POMERENE. If I understand you correctly, then, the nearest the representative came to ratifying your message was when he said to you that you knew more about it than he did?

Mr. REED. Yes. I have not gone into detail with it, because I had a letter from your chairman in which he said that he might want to take his deposition. Otherwise I should have asked for his affidavit.

Senator POMERENE. I think that is all.

Mr. LITTLEFIELD. Did you receive any money from Mr. Crawford for disbursement in the campaign?

Mr. REED. Yes, sir; I did.

Mr. LITTLEFIELD. In the interest of Senator Stephenson?

Mr. REED. I did.

Mr. LITTLEFIELD. Without going into it in detail, have you a list of the sums that you disbursed? How much did you receive?

Mr. REED. I received \$125 from Mr. Crawford, and \$20 from Senator Thayer—L. W. Thayer. He testified the other day that it was \$10, but it was \$20.

Mr. LITTLEFIELD. Have you a list of the disbursements you made?

Mr. REED. Yes.

Mr. LITTLEFIELD. Let us see it. That is the original, I suppose. I do not care about that; but if you have drawn up a list, I will simply put in the list.

(Mr. Reed produced a paper.)

The CHAIRMAN. Does that cover all of it?

Mr. LITTLEFIELD. Yes.

Mr. REED. If you care to have this original, you can have it.

Mr. LITTLEFIELD. Oh, we do not care about that.

Senator POMERENE. That is the original, is it?

Mr. LITTLEFIELD. That is his original memorandum from which he drew this list.

Senator POMERENE. This is an exact copy?

Mr. REED. This is simply a tabulation, so that the committee would understand it. For instance, there is an initial about who disbursed this money at the side, and I have tabulated there an explanation of it.

Mr. LITTLEFIELD. Please give the list of the disbursements you made.

(Mr. Reed submitted the following list:)

Cash received from Crawford for workers.....	\$125
Cash received from Thayer for Dartford and Green Lake.....	20

Total.....	145
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Paid out to C. Stewart for Art. and Jim, as follows:

Cash.....	15
Cash (in two items).....	15

Total.....	30
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Paid out to K. Hubbard for workers, checkers:

For Kurska.....	20
Eikstadt.....	3
H. Danielson.....	3
Doc. Harris.....	3
J. Walshlager.....	3
G. Lewis.....	3
Hubbard.....	10
C. Hunold.....	5

Total.....	50
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Paid out by Roy Reed for workers, etc.:

B. Stolfus.....	5
John Zick.....	5
B. Kohl.....	5
A. Buchholz.....	10
G. Bradshaw.....	2
P. Zick.....	3
J. Lukuski.....	5
N. Grushinski.....	3
A. Haak.....	2
W. Springborn.....	2
S. Currier.....	3
T. Driesner.....	3
Box cigars.....	4
N. Taylor, Dartford.....	10
G. Welsh, town of Green Lake.....	5
G. Miller, town of Green Lake.....	5

Total.....	72
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Total paid out.....	152
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Mr. LITTLEFIELD. Please state generally for what purposes these sums were paid.

Mr. REED. For securing workers to help get out the vote, and to get some checkers at the polls.

Mr. LITTLEFIELD. Were any sums paid out by you in connection with the Stephenson campaign for the purpose of bribing or corruptly or improperly influencing any electors in the primary election in the interest of Senator Stephenson?

Mr. REED. Absolutely none; no, sir.

Mr. LITTLEFIELD. Was any of the money that you disbursed to these people, the list of which you have given, used, so far as you know, for the purpose of either bribing or corruptly or improperly influencing any electors in the primary election in the interest of Senator Stephenson?

Mr. REED. No, sir.

Senator POMERENE. Does that account for the entire sum?

Mr. LITTLEFIELD. Yes—\$152. That is the total amount you received?

Mr. REED. Yes; the total amount I received was \$145, and I disbursed \$152.

Mr. LITTLEFIELD. Have you been paid the difference?

Mr. REED. No, sir.

Mr. LITTLEFIELD. So that you disbursed something like \$7 more than you received?

Mr. REED. Yes. I should like to explain that a minute, Senator, if I can.

The CHAIRMAN. Do so.

Mr. REED. This amount of \$30, as shown by that report, was turned over to the parties named there; and the \$50 in the items that are given there was turned over to that party.

Senator POMERENE. Who were "Art. and Jim"?

Mr. REED. Sons of his. They were turned over, so that those are the names as I had them on the list as they were given to me—that he had employed them. I do not swear as to whether they received those sums. Those that I do know positively received the money are those which are under my own name, amounting to \$72, which I disbursed.

Mr. LITTLEFIELD. And as to the others, you gave the money to Mr. Stewart in one instance, and Mr. Hubbard in another?

Mr. REED. Yes, sir.

Mr. LITTLEFIELD. With the understanding that they were to give them to these men whose names are specified?

Mr. REED. Yes; and I understood from them that they had done so, as we made out this old original list together—the three of us.

Mr. LITTLEFIELD. Please state, Mr. Reed, when the polls opened and closed in the country districts on that primary day.

Mr. REED. They opened at 9 and closed at 5.

Mr. LITTLEFIELD. So that everything that was done in the line of getting out the vote had to be done between 9 and 5?

Mr. REED. Between 9 and 5.

Mr. LITTLEFIELD. Was that a busy season for the farmers?

Mr. REED. Yes; particularly the people in that locality.

Mr. LITTLEFIELD. That is all.

The CHAIRMAN. I will say to counsel that the committee is of the opinion that Mr. Fenelon should make an affidavit covering these facts: That this pair was made by his authority, and that he authorized the sending of the telegram and knew of the receipt of it, and that he was a supporter of Senator Stephenson.

Mr. LITTLEFIELD. The committee will appreciate that up to now I had the impression that the committee were in some way going to arrange to take Mr. Fenelon's deposition. We have been discussing that matter, you know; and therefore I would not suggest it. But either way that suits the committee is agreeable to us.

The CHAIRMAN. Under the circumstances an affidavit from Mr. Fenelon will be sufficient. It will be in connection with this testimony, and will go into the record.

Mr. LITTLEFIELD. Will it be agreeable if we arrange for Mr. Reed to get the affidavit?

The CHAIRMAN. Yes; get an affidavit covering those points, and it will be sufficient.

Mr. LITTLEFIELD. I should like to ask Mr. Reed a further question on this line.

State whether or not you have done Mr. Fenelon's legal business during the last few years—more or less of it?

Mr. REED. I have, more or less of it.

Mr. LITTLEFIELD. And so far as you know, you have been his attorney for the last four or five years?

Mr. REED. Yes.

Mr. LITTLEFIELD. And if he has had occasion to consult anybody in legal matters, you have ordinarily been consulted?

Mr. REED. Yes, sir.

Mr. LITTLEFIELD. You say it will be agreeable for Mr. Reed to get the affidavit?

The CHAIRMAN. Yes; let the affidavit cover those points.

Mr. LITTLEFIELD. That will be satisfactory to us.

The CHAIRMAN (continuing). A specific statement that he authorized the making of the pair, and ratified it.

Mr. REED. Yes, sir.

The CHAIRMAN. You are excused.

Mr. REED. I will try to get it for you.

The CHAIRMAN. I understand that he is too ill to come to Milwaukee?

Mr. REED. I should regard it as rather a dangerous proposition to have him come.

The CHAIRMAN. Let the affidavit, when he makes it, state the condition of his health.

Mr. REED. Yes, sir.

The CHAIRMAN. At this time I will take occasion to say that F. C. Meloy, Adolph Rosenhein, A. J. Pestalozzi, Leo F. Kelpinski, and Arthur Wilcox are excused from further attendance.

Is Lawrence Murphy present?

(There was no response.)

Subpoenas have issued for Thomas Cleary, H. A. Klumb, and William O'Connor. Thomas Cleary is ill at Portage, Wis. He may get here, but it is not at all sure that he will be here before the hearings are closed. In that case the committee would suggest that counsel secure an affidavit from Thomas Cleary.

Mr. LITTLEFIELD. He is the man who made some disbursements?

The CHAIRMAN. Yes.

As to A. J. Klumb, he is at Stevens Point, Wis. He lives in Milwaukee. He is the traveling agent for the Chicago, Milwaukee & St. Paul Railway Co. William O'Connor is ill; and Dr. Scollard,

his physician, says that he can not appear without jeopardizing his life.

Mr. LITTLEFIELD. Are these men who were in the employ of Mr. Knell?

The CHAIRMAN. Yes; these are men who were working under Mr. Knell. At a proper and convenient time Mr. Knell will be called as a witness regarding the items respecting these men.

Mr. BLACK. I understand that Morris J. Cleary is the man wanted, and not Thomas Cleary. I understand that he is the witness the committee wants.

The CHAIRMAN. Then the fact that Thomas Cleary is ill would not affect Morris.

Mr. BLACK. No. It is his son.

The CHAIRMAN. Do you know where he is, Mr. Knell?

Mr. KNELL. I understand that he is on a trip West.

The CHAIRMAN. At the proper time we will put you on the stand in regard to these facts.

TESTIMONY OF PAUL O. HUSTING—Resumed.

Paul O. Husting, having been previously duly sworn, was recalled for further examination, and testified as follows:

The CHAIRMAN. The committee desires to have some more definite information in regard to Representative Hughes, who had a controversy with Mr. Farrell. We have some informal information that he has left the State, and that his whereabouts is not known. The committee has been at some pains to find him, and has communicated with the postmaster at his home town. We should like some one who can give us information that will be definite to account for his absence.

Mr. LITTLEFIELD. We will do everything we can to ascertain his whereabouts. This is the first time we have heard the question raised. I had not known anything about him one way or the other. I understand he is from Senator Husting's county; and it may be that the Senator knows something about him.

The CHAIRMAN. Mr. Husting, I will ask you in regard to that. Do you know John Hughes?

Mr. HUSTING. Yes.

The CHAIRMAN. You heard the testimony of Richard White in regard to his interfering in a controversy that was going on about the absent members on the 4th day of March, 1909?

Mr. HUSTING. Yes.

The CHAIRMAN. Do you know anything of that man, John Hughes?

Mr. HUSTING. Do I know anything of his whereabouts?

The CHAIRMAN. Yes.

Mr. HUSTING. I do not.

The CHAIRMAN. Do you know anything of the circumstances under which he is absent?

Mr. HUSTING. Nothing except what I have seen in the newspapers and have heard from some of his friends. I understand that he has left the county and the State.

The CHAIRMAN. Did they know where he was?

Mr. HUSTING. No. They say they do not know where he is. I made inquiries to find out, and they tell me they do not know where he went to.

Mr. LITTLEFIELD. What was his business?

Mr. HUSTING. His business was that of a druggist and the publisher of a newspaper.

The CHAIRMAN. Where?

Mr. HUSTING. At Reeseville, Wis.

The CHAIRMAN. I will call attention at this point to the fact that we have received from the postmaster at Reeseville, Wis., Mr. O. A. Sell, the following telegram, which is addressed to J. R. White, Pfister Hotel, Milwaukee. Mr. White is the deputy sergeant at arms attached to this committee. The telegram is as follows:

John Hughes, a former member of the Wisconsin legislature, very quietly slipped out of here in September, 1910, for parts unknown. Nobody here seems to know where he is.

O. A. SELL.

That telegram is dated October 21, and was sent in response to a telegram sent by Mr. White. You have no different information in regard to that?

Mr. HUSTING. Not any.

Mr. LITTLEFIELD. Mr. Chairman, may I put a question right there?

The CHAIRMAN. Yes.

Mr. LITTLEFIELD. You say he was a druggist and the publisher of a newspaper?

Mr. HUSTING. Yes, sir.

Mr. LITTLEFIELD. Do you know whether he has sold his business?

Mr. HUSTING. I know that somebody else is now running the paper; but I do not know under what circumstances, nor upon what terms.

Mr. LITTLEFIELD. You are not sufficiently familiar with the circumstances to know whether he disposed of it, or what the conditions were under which he left?

Mr. HUSTING. No.

The CHAIRMAN. The process server has not been able to find him.

Mr. LITTLEFIELD. Do you know of anybody up there that would be likely to have any information in relation to his whereabouts?

Mr. HUSTING. I understand the gentleman who is running the newspaper, or who did run it, was his partner, a Mr. Flavin. I think he is about as close a friend as he has. I think he is running that newspaper now; but I am not sure.

Mr. LITTLEFIELD. What is the name of the paper?

Mr. HUSTING. The Reeseville Review.

Mr. LITTLEFIELD. If anybody would know of Mr. Hughes's whereabouts, he would?

Mr. HUSTING. Yes.

Mr. LITTLEFIELD. A telephone call to him would probably exhaust his information?

Mr. HUSTING. Yes.

Mr. LITTLEFIELD. I take it, after this statement from Senator Husting, that the chairman would not think it worth our while to do anything further along the line of locating Mr. Hughes?

The CHAIRMAN. I think the process server of this committee has probably exhausted all means of finding him.

Mr. LITTLEFIELD. So far as we are concerned, I want to be in the position of doing everything we can in relation to it.

The CHAIRMAN. Yes.

Mr. LITTLEFIELD. I shall be very glad to adopt any suggestion the committee has to make.

The CHAIRMAN. I think the committee's information is accurate. I think his whereabouts is unknown.

Mr. HUSTING. We were about to ask in regard to J. Elmer Lehr. He testified before your committee?

Mr. HUSTING. Yes.

The CHAIRMAN. His testimony appears at page 655; and he testified in regard to the commencement of the proceedings to prevent the investigation of the Stephenson campaign. That seems to be the only subject upon which he testified. The proceedings in regard to that will be incorporated in the proceedings of this committee through the medium of certified copies of papers, so that it is not necessary to give any oral testimony in regard to them. A certified copy of the complaint and of the action of the court upon it will be made a part of the record.

Mr. HUSTING. I might add that there was some evidence of Mr. Lehr having received some assistance in the general campaign, which evidence we let in for what it was worth.

The CHAIRMAN. That was after the primaries?

Mr. HUSTING. After the primaries, and before the election.

The CHAIRMAN. No question was raised as to the legitimacy of his expenditures, I believe; was there?

Mr. HUSTING. The committee let in that class of testimony upon the theory that it might connect up the primary with the general election and the election before the legislature, Mr. Edmonds having been Mr. Stephenson's representative in the primary and having been his candidate for chairman of the State central committee, and subsequently his manager before the legislature; and we believed it was evidence tending to show that Mr. Edmonds had Mr. Lehr's success at heart from the time he entered the primary until he was elected to the legislature.

The CHAIRMAN. Would the presence of Mr. Lehr before this committee offer an opportunity of eliciting information of a character different from that which has been obtained? Do you think his presence before the committee would add anything to the enlightenment of the committee in regard to the matter?

Mr. HUSTING. Not that I know of.

The CHAIRMAN. The committee is inclined now to call only those witnesses who have not been called that you think might add to the testimony already before the committee, and for the enlightenment of the committee.

Mr. HUSTING. I know nothing since the investigation that would make me think he could add anything.

The CHAIRMAN. The testimony of Harry T. Myrick was taken before the senate committee, and begins at page 1709. He was the editor of the Milwaukee Free Press. You remember the character of his testimony as to the support that paper gave Senator Stephenson?

Mr. HUSTING. Yes.

The CHAIRMAN. Are there any features in his testimony that in your judgment would tend to add to the information this committee already has obtained from the witnesses examined in your presence?

Mr. HUSTING. From the connection of the Free Press with the entire campaign, and its efforts to stifle the investigation through its editorial columns and its correspondents at Madison, and the great financial interest Senator Stephenson has in the paper, I think

there might be evidence tending to show the connection of Senator Stephenson through this newspaper with an endeavor to stifle the investigation and to belittle the committee, and to villify and exco-riate those connected with the investigation.

The CHAIRMAN. It is admitted that Senator Stephenson owns the controlling interest in that paper.?

Mr. HUSTING. Yes, and not only that, but he has a great many notes outstanding against the paper, payable on demand.

The CHAIRMAN. The committee, then, will deal with that question.

Thomas F. Reynolds testified before the joint committee that he was in the banking business; that he handled \$200 of Mr. Stephenson's money, which he received from Mr. Edmonds, with whom he had made an arrangement, under which arrangement he was to take charge of the work at Oconto Falls; that Mr. Edmonds wrote him requesting him to do considerable work in his behalf. The witness accounts for the money he received in a manner entirely in accord with the general system of campaign expenses, and the committee therefore thought it unnecessary to call him before this committee. Is that conclusion justified in your mind?

Mr. HUSTING. I do not believe his testimony would be anything but cumulative.

Mr. LITTLEFIELD. We have his affidavit.

The CHAIRMAN. Do you know A. A. Raisler?

Mr. HUSTING. Yes, sir.

The CHAIRMAN. He appeared as a witness before the senate committee, and his testimony is at page 1707. He was the county clerk of Outagamie County; and he produced Exhibit 33, which purports to be a true and correct statement of the disbursements of the Republican State central committee after September 27, 1908, and shows that Senator Stephenson contributed \$2,000 toward the expense of the Republican State central committee. This contribution seems to be for money to be expended by the regular organization, and appears to be accompanied by no unusual features. Do you know of any reason why that \$2,000 was an improper contribution to the campaign fund?

Mr. HUSTING. No, except in this: That Senator Stephenson may have had a string on it, and suggested where it might be used to help some of the candidates. For instance, as was suggested by Mr. Reynolds, it was through Senator Stephenson's solicitation that he received a contribution from the State central committee.

The CHAIRMAN. Do you think it would add anything to the showing that has been made here?

Mr. HUSTING. No; other than what I have already stated.

The CHAIRMAN. That fact will appear in the record.

E. W. Tuttle testified before the joint committee that he was a game warden, that he took part in the senatorial campaign of Senator Stephenson, and that he handled \$200 received from Mr. Stone and Mr. Bowman. He worked in the second assembly district in Waukesha County, and turned over the most of the money to his son, who was looking after the campaign of Mr. Trottmann, who was running for lieutenant governor. The young man was managing his campaign. Do you know of any special connection that that fund had with the election of Senator Stephenson looking toward the corruption of the electorate of this State?

Mr. HUSTING. I only know the intent in the use of that money.

The CHAIRMAN. It was to be used for Senator Stephenson's campaign.

Mr. HUSTING. Yes.

The CHAIRMAN. You know of no unusual feature about it that would seem to demand a further investigation?

Mr. HUSTING. No; I do not think it would add anything. It would be cumulative.

The CHAIRMAN. Arthur J. Wyseman was examined by your joint committee, and his testimony appears at page 2375. He is a lawyer, and lives in Manitowoc. He supported Senator Stephenson, and received \$135.88 from Mr. Sacket for making a canvass of the county in behalf of Senator Stephenson. He made certain trips to Milwaukee in connection with some lost nomination papers. Have you any intimation of any further facts to which this witness might testify?

Mr. HUSTING. No, sir.

The CHAIRMAN. Nothing to justify the expense and trouble of bringing him before the committee?

Mr. HUSTING. Not that I know of.

The CHAIRMAN. J. H. Wells testified before the State senate committee. He received \$400 from Mr. Edmonds. He went to Milwaukee to see Mr. Edmonds, and repeated his visit more than once. He was a Stephenson man, and agreed to take hold of Mr. Stephenson's campaign in his county after considerable demurring. He estimated the cost of organizing the county at about \$200 for each district, there being two districts in the county. He agreed to do the work. The committee was unable to learn of any unusual expenditures made by this witness. Do you know of anything in connection with Mr. Wells's use of money or his testimony that you think would shed further light on the questions under consideration?

Mr. HUSTING. No, sir; nothing outside of what he testified to before the committee.

The CHAIRMAN. Then we have the witness Frank T. Wagner. Do you think it would be profitable, or that it would add anything to the enlightenment of the committee, to call Frank T. Wagner and examine him in regard to the statements he has made in connection with this matter?

Mr. HUSTING. No, sir.

The CHAIRMAN. You think he may be dismissed as an element that cuts no figure in this case?

Mr. HUSTING. Yes, sir.

The CHAIRMAN. Mr. Lehr was before the committee, was he not?

Mr. HUSTING. Mr. Lehr is a State senator, or was at that time.

The CHAIRMAN. He is not now?

Mr. HUSTING. He was not working very hard during this session. I guess he appeared there once or twice during the session. He is still holding his office.

Mr. LITTLEFIELD. Is he a hold-over?

Mr. HUSTING. Yes.

The CHAIRMAN. He appeared before your senate committee and took a considerable part in the discussion of the legal phases of this investigation before the joint committee, did he not?

Mr. HUSTING. I forget whether he took any part in the discussion of the legal questions. I know he appeared before the senate committee, and testified. He made some legal arguments before the senate, on the floor of the senate.

Mr. LITTLEFIELD. As a member of the senate?

Mr. HUSTING. Yes.

The CHAIRMAN. I find it here in the record at considerable length; but it was a discussion of the manner of procedure and the scope of the power of the committee in investigating the matter. You interrogated him at page 668 when he was before your committee.

Mr. HUSTING. I had forgotten that.

The CHAIRMAN. You asked him whether he received any contributions to his campaign fund from any organization, political or otherwise, and he answered as follows:

A. Well, I think that the State central committee—which of course I don't care to go into, on account that it does not come into this.

Q. I will ask you if the State central committee assisted you in your campaign?—A. What the State central committee done is a matter that I am not prepared to state, Senator. I want to be courteous with you in regard to that. I am saying to you frankly that I understand the State central committee sent a car up through our county. I was out of the county at the time. What the acts of the State central committee were, anything pertaining to that—

Q. (Interrupting.) Sent out a car, you say?—A. A special train up through there, with speakers.

Is that an unusual condition in this State?

Mr. HUSTING. I do not know that it is very unusual.

The CHAIRMAN. That is outside of the legal proceeding. That seems to be about the scope of his testimony.

Mr. HUSTING. He afterward testified, however, that he had received some money from the State central committee.

Senator POMERENE. Not from Senator Stephenson's campaign committee?

Mr. HUSTING. Not before the primary. He received some from Mr. Edmonds.

The CHAIRMAN. Was it claimed that he received any money from Mr. Stephenson or any of the other candidates during the primary campaign, leading up to the primary campaign?

Mr. HUSTING. No; I do not think so.

The CHAIRMAN. His testimony is contained between the pages 605 and 670. He was an open supporter of Senator Stephenson throughout the contest?

Mr. HUSTING. Yes, sir.

The CHAIRMAN. You went down to Chicago to see about some statements, to run down some statements that you had heard?

Mr. HUSTING. I went down to Chicago; yes, sir.

The CHAIRMAN. When did you go?

Mr. HUSTING. I can not tell you the date.

The CHAIRMAN. Give us the approximate date—whether it was this year or last year.

Mr. HUSTING. It was 1911, and I think some time in May, but I am not sure.

The CHAIRMAN. In this last May?

Mr. HUSTING. Yes.

The CHAIRMAN. Who went with you?

Mr. HUSTING. Gov. Morris. That is, do you mean who went with me on the train or who met me at Chicago?

The CHAIRMAN. First, on the train.

Mr. HUSTING. I went on the train alone.

The CHAIRMAN. Whom did you meet at Chicago?

Mr. HUSTING. If you will permit me to explain the matter, I will do so.

The CHAIRMAN. Just give the place of meeting and those who were present.

Mr. HUSTING. Mr. Titus said that he had to take a trip in Michigan, and that he would meet us on a certain night in Chicago.

The CHAIRMAN. What is Mr. Titus's first name?

Mr. HUSTING. I forget his initials.

The CHAIRMAN. He was the attorney general?

Mr. HUSTING. The assistant attorney general. Gov. Morris and I intended to leave on the same train, but through some misunderstanding he took the Northwestern train that left about 6 o'clock, and I took the other one for Milwaukee. I arrived in Chicago near midnight of that day, and registered at the Great Northern Hotel, and found that Mr. Titus had already registered there. That will fix the date. That was the day before the meeting. That will fix the date on which the meeting took place in Chicago. Gov. Morris arrived the next morning, in company with a relative of his, with whom he told us he stayed overnight. It was somewhere around 9 o'clock in the morning of that day that we had this talk with Mr. McCordic and Mr. Cook.

The CHAIRMAN. Where did you meet?

Mr. HUSTING. At the Great Northern Hotel.

The CHAIRMAN. Who met there?

Mr. HUSTING. The three of us.

The CHAIRMAN. That is the assistant attorney general, the present lieutenant governor, and yourself?

Mr. HUSTING. Yes. We proceeded from there up to Mr. McCordic's office, in the Rookery Building.

The CHAIRMAN. Who suggested this meeting?

Mr. HUSTING. It was first suggested to me by Gov. Morris, and later by Mr. Titus.

The CHAIRMAN. What was the purpose?

Mr. HUSTING. The purpose was that we might obtain some information in Chicago that might be valuable for the committee to know before the legislature had adjourned.

The CHAIRMAN. Your legislature was then in session?

Mr. HUSTING. Yes; and we went down, not for the purpose of obtaining evidence, but for the purpose of learning something that might ultimately lead to something tangible—something definite.

The CHAIRMAN. Tell us about the meeting, and who was there.

Mr. HUSTING. We arrived at Mr. McCordic's office, and I believe he was absent. There was a young man there in charge of the office in the front room.

The CHAIRMAN. Give his name, if you know it.

Mr. HUSTING. I do not know his name, and I did not ask it. I am under the impression that Mr. McCordic came in a little bit later, and that we then went into his room, and that Mr. Titus then introduced us to Mr. McCordic, and Mr. McCordic proceeded to tell us some information that he had received from a Mr. Cook. Of course, this was given to us confidentially. I suppose we are obliged to repeat it here, although I would like to have it appear that I am not very anxious to do so.

The CHAIRMAN. I think under existing conditions there would be no objection to your repeating it.

Mr. LITTLEFIELD. That is, I understand the committee does not object.

Mr. HUSTING. I understand the committee expects me to tell what was said there?

The CHAIRMAN. Yes; it expects you to tell what was said there and to tell what occurred.

Mr. HUSTING. Mr. McCordic then proceeded to tell us what in substance Mr. Cook told us a little later in the day. If you want me to repeat it twice, I can do it.

The CHAIRMAN. Yes.

Mr. HUSTING. Mr. McCordic said that he had been informed of this by Mr. Cook, and that Mr. Cook had told him he had heard that Mr. Hines—just strike that out—he told us that Mr. Cook had heard that the thing was “pulled off” somewhat in this way at Madison: That Mr. Hines, after hearing of this resolution to investigate, had conceived the idea of assisting in the obstruction of Mr. Stephenson’s election, and sent somebody down here (I think Mr. Shields)—sent somebody down to Madison to aid in heading off his immediate election; that this agent went down to Madison and told some men who were voting for Stephenson that they were fools; that if they would hold off for a while, there might be something in it for them.

The CHAIRMAN. Mr. McCordic told you that Cook said that?

Mr. HUSTING. He was giving us the story as Mr. Cook had given it to him.

The CHAIRMAN. Go ahead.

Mr. HUSTING. That this messenger was successful at Madison; whereupon Mr. Hines saw Mr. Stephenson and told Mr. Stephenson that there might be some difficulty in his being elected at Madison, but that he thought he could secure it for him, “pull it off,” but that it would require considerable money. That Mr. Stephenson inquired how much it might be, and Hines thought \$115,000 would be about what it would require. That Mr. Stephenson demurred at first, but afterwards paid half the money, or, rather, \$55,000 or so first—I can not recollect—but at any rate he was to pay half of this. That Mr. Hines then dispatched Robert Shields down to Madison to do the job, and that he did it. That, in substance, is what Mr. McCordic told us.

The CHAIRMAN. Did Mr. Cook come in?

Mr. HUSTING. Yes. Then Mr. McCordic said that it happened that Mr. Cook was in town that day, on his way home from the Lorimer investigating committee, and he thought Mr. Cook would agree to talk to us, providing we would agree to hold the matter confidential.

The CHAIRMAN. You mean the Helm committee at Springfield?

Mr. HUSTING. Yes; at Springfield. I meant the Lorimer inquiry. That was the subject matter of it. We told Mr. McCordic that we would treat it as confidential; that all we wanted was some information that might lead to something definite, something tangible, in regard to just exactly how this matter was accomplished at Madison. Thereupon he called up Mr. Cook and told him there were some gentlemen waiting there for him and asked if he would come up, or something to that effect, and hung up his phone and said that Mr. Cook would be there presently. Within 10 minutes, I think, Mr. Cook appeared

there at the office of Mr. McCordic, and he told us substantially the same thing, as near as I can recollect.

The CHAIRMAN. That was all that transpired there, was it?

Mr. HUSTING. Mr. Cook also told us that he had personally seen Robert Shields on the train from Duluth to Chicago. I forgot to mention, also, that when Mr. Cook came there the first thing he said was that we should keep this matter in confidence, and that he would refuse to tell us anything except in confidence. He then told us about this train, afterwards, saying that he was sitting in a seat in a railroad train and that Mr. Shields came by him and accosted him, greeted him; that Cook refused to recognize him, and that Shields came back again and tried to get into conversation with Cook and wanted to know what was the trouble; and Cook told him that he was a "cheap skate," or something like that; that he had heard that he had a good chance to hold up "old Hines," and now had let him off with a bagatelle, or something like that, "let him off easy," and Shields gave him some answer acknowledging that it was true; and I think, possibly, as Mr. Cook explained it here (I heard his testimony here), that it was "all fixed up," or something to that effect.

The CHAIRMAN. This committee has taken some steps toward having Mr. McCordic interviewed in regard to this conversation. I will read at this time, in connection with your statement, the body of the telegram we have received:

Have had McCordic interviewed on conversation with Cook and with Wisconsin men occurring in his office. No statement was made indicating a personal knowledge on the part of Cook of any of the matters discussed. His entire statement was a hearsay one, and so understood by all present.

That is about as you have stated it, is it not?

Mr. HUSTING. Yes, sir; with the exception of that episode on the train. It is barely possible that Cook told us that on the train; but my recollection is that he told us that in Mr. McCordic's office. Yes, sir; it was all hearsay.

The CHAIRMAN. You have heard the testimony that has been developed growing out of that occurrence. Does it seem to you that there are any uncovered facts in regard to it?

Mr. HUSTING. If you mean to ask if there has been any probative testimony adduced, I will say that I do not know that there has been anything directly showing that fact. I might add, however, that there are other circumstances which might tend to show that there might be something to it.

The CHAIRMAN. Do you know of any avenue of testimony that this committee can appeal to that might throw further light upon the facts in regard to those matters?

Mr. HUSTING. I do not know of any, unless it is Mr. Shields himself.

The CHAIRMAN. You heard him under examination. From your connection with this investigation, and from your knowledge, can you suggest to the committee any new subject of inquiry or probe into Mr. Shields's connection with this matter?

Mr. HUSTING. It occurred to me that it might be well for Mr. Shields to tell where he got the \$700 that he spent at Madison; also his whereabouts on these different occasions, his reasons for dodging subpoenas for several years, and his reasons for taking pay in a

primary and expending money without instructions from anybody, as he claims, for the legislature.

The CHAIRMAN. Do you not think he did explain that pretty fully? Mr. HUSTING. I do not think some of these things were asked him.

The CHAIRMAN. What particular subject do you refer to?

Mr. HUSTING. I do not think he was asked just exactly where he got the \$700 that he spent at Madison.

The CHAIRMAN. He stated that that was his own money.

Mr. HUSTING. I do not understand that he explained how he came to spend \$700 of his own money for Mr. Stephenson when he did not know Mr. Stephenson personally, had only seen him once in 25 years, and Mr. Hines did not instruct him to; or why he ordered a special train for a man that he did not know, for somebody he did not know, at his own expense.

The CHAIRMAN. Have you known Mr. Shields for any length of time?

Mr. HUSTING. I only know him by reputation.

The CHAIRMAN. You have not had personal acquaintance with him?

Mr. HUSTING. No, sir. The first time I recollect seeing Mr. Shields was when he was up here. We were busy in the investigating room, and I never got acquainted with him during the time he was there. I had heard that he was there, but I did not know the gentleman.

The CHAIRMAN. Do you think Mr. Shields should be further examined by this committee with regard to those matters?

Mr. HUSTING. I think Mr. Shields should be examined in regard to every move he made from the time he was down at Washington, in the month of February, until after the investigation closed. I should think he ought to be required to account for his whereabouts, for his actions, and the reasons for his actions.

The CHAIRMAN. Did you hear all of his testimony on the stand?

Mr. HUSTING. I think I did.

The CHAIRMAN. The committee is desirous of probing his knowledge to the bottom. At page 207, on October 20, Mr. Shields testified as follows in regard to the \$700:

The CHAIRMAN. Did you receive any money from any person in connection with those services?

That is, referring to the services at Madison.

Mr. SHIELDS. Yes, sir; yes, sir.

The CHAIRMAN. How much did you receive?

Mr. SHIELDS. I do not recall the amount; \$600 or \$700; something like that.

The CHAIRMAN. By whom was that money paid to you?

Mr. SHIELDS. Mr. Perrin paid \$250; and the balance, I think, came from Mr. Edmonds.

Mr. HUSTING. That was the primary, Mr. Chairman.

The CHAIRMAN. Yes; I understood you to be referring to that.

Mr. HUSTING. No; I was talking of the election by the legislature.

The CHAIRMAN. Now we are coming to the other, I think [reading]:

The CHAIRMAN. Did it come in the shape of a check or a draft?

Mr. SHIELDS. I rather think it was a draft.

The CHAIRMAN. You estimate or fix the amount at about \$700 or \$800, do you?

Mr. SHIELDS. About \$700, I should say.

The CHAIRMAN. How much of that was paid to you for your own services?

Mr. SHIELDS. Nothing.

The CHAIRMAN. How much of that did you pay out to others?

Mr. SHIELDS. I paid most of it out—practically all of it out.

That deals with the \$700 which was received for primary work. Do you think Mr. Shields should be probed further in regard to his work at the primaries?

Mr. HUSTING. No, sir; not at the primaries. I refer to the election before the legislature.

The CHAIRMAN. I will now read with reference to his connection with the proceedings at Madison. I read from page 209 of the testimony of October 20:

The CHAIRMAN. Do you remember when you first went to Madison in connection with the matter of the election of Senator Stephenson?

Mr. SHIELDS. I think in the latter part of February.

The CHAIRMAN. About what time in the latter part of February?

Mr. SHIELDS. I can not give the date; I should say maybe the 25th or 23d.

The CHAIRMAN. Did you register at the hotel there when you went there?

Mr. SHIELDS. Yes, sir.

The CHAIRMAN. And the register will indicate the date?

Mr. SHIELDS. It will show; yes, sir.

The CHAIRMAN. At what hotel did you stop?

Mr. SHIELDS. The Park Hotel.

The CHAIRMAN. Did you go alone?

Mr. SHIELDS. Yes, sir.

The CHAIRMAN. For what purpose did you go to Madison?

Mr. SHIELDS. I went to see if I could assist in bringing about the ratification of the election of the Senator. They were voting then, and had been voting for some time.

The CHAIRMAN. You went there in the interest of Senator Stephenson, did you?

Mr. SHIELDS. Partially; not wholly. There was some legislation down there—

The CHAIRMAN. You were not supporting anybody else but Senator Stephenson?

Mr. SHIELDS. Oh, yes; I was supporting the Senator; but I did not come upon his request.

The CHAIRMAN. Did you have any conference with Senator Stephenson before you went there, at any time, with reference to going?

Mr. SHIELDS. I never have seen Senator Stephenson to talk with him but once in 25 years, and that was about four or five years ago, when his eyes were ailing. I was at Marinette, Wis., for the purpose of selling the Wells estate some paper—about \$200,000 worth of paper that I had; and I made an appointment with Senator Stephenson at his house.

The CHAIRMAN. And that is the only time you have seen him in 25 years?

Mr. SHIELDS. That is the only time I have seen the Senator in 25 years.

The CHAIRMAN. That is, you mean, the only time you have seen him to talk to him?

Mr. SHIELDS. Seen him to talk to him—that is what I have reference to; yes, sir.

The CHAIRMAN. Have you had communication with him by letter during that time?

Mr. SHIELDS. Nothing unless to write him a letter to indorse some candidate for an office, or something like that.

Did you hear this testimony?

Mr. HUSTING. Yes, sir.

The CHAIRMAN. I was merely aiming to identify the testimony, so as to know whether you heard it [reading].

The CHAIRMAN. Did you, directly or indirectly, procure or handle or control any money to be used or that was used in any way in connection with Senator Stephenson's election?

Mr. SHIELDS. No, sir.

Mr. LITTLEFIELD. Of course the chairman confines that to the election by the legislature, because he has already testified about the primary.

The CHAIRMAN. The primary is not an election.

Mr. HUSTING. They all entered a plea of "not guilty" before our committee, also.

The CHAIRMAN. Do you recall the testimony of Mr. Shields in regard to the money he had at Madison?

Mr. HUSTING. I recollect at least a portion of it. I think I recollect all of it—almost all of it.

The CHAIRMAN. Giving the amount that he drew before going there, and the amount that he drew after he was there?

Mr. HUSTING. Yes, sir.

The CHAIRMAN. Do you think those statements are not correct?

Mr. HUSTING. That was not what I had in mind. I had in mind his being asked a question as to why he expended this amount of money, and from whom he got it, for a man that he did not know.

The CHAIRMAN. His answer was that it was his own money.

Mr. HUSTING. Yes.

The CHAIRMAN. Do you think it was not?

Mr. HUSTING. I do not know.

The CHAIRMAN. Can you suggest any source of information by which the committee could ascertain whether or not his statement is true in regard to its being his own money?

Mr. HUSTING. No, sir; I can not.

The CHAIRMAN. You can not?

Mr. HUSTING. I can not.

The CHAIRMAN. Then the committee is no better off than you are.

Mr. HUSTING. There is merely the weapon of cross-examination; that is all.

The CHAIRMAN. Do you think that on cross-examination you could develop any new facts in regard to that transaction?

Mr. HUSTING. I would not know until I tried, Mr. Chairman.

The CHAIRMAN. Would you like to try? The State of Wisconsin has asked us to investigate this matter, and you are here as a representative of the State of Wisconsin. Would you like to try to develop further facts in this matter?

Mr. HUSTING. Had I been requested to do so at the beginning I should have been very glad to have done so.

The CHAIRMAN. Then you would have liked to have conducted the examination of these witnesses, would you?

Mr. HUSTING. I am not presumptuous enough to think that I could do it any better than this committee did; but I had in mind some things that Mr. Shields might have been pressed upon that might have elicited something.

The CHAIRMAN. Mr. Shields is the only witness that you think should be further examined, is he?

Mr. HUSTING. No; I think there are other witnesses that should be examined.

The CHAIRMAN. What other witnesses?

Mr. HUSTING. I think witnesses should be examined to explain why the evidence in this trunk was taken out of the jurisdiction of the committee; who had access to it during this time; whether it was open to the dangerous substance being removed from the boxes, and why it was permitted to—

The CHAIRMAN. You were away one day of last week, were you not?

Mr. HUSTING. Yes, sir.

The CHAIRMAN. Have you read the testimony that was taken in regard to that matter?

Mr. HUSTING. I have read what I saw in the newspapers about it.

The CHAIRMAN. But you have not read the testimony as it was taken?

Mr. HUSTING. No, sir.

The CHAIRMAN. Do you think there is any hour or time during which this trunk has not been accounted for or witnesses examined in regard to it?

Mr. HUSTING. I understood the other day, from what I read in the papers, that this trunk was stored up in an attic or a barn, and I think it would be pertinent to know who may have had access to it besides those who appeared upon the witness stand and testified.

The CHAIRMAN. There is no testimony that the trunk was stored in any barn at all.

Mr. HUSTING. That is what I read in the papers.

The CHAIRMAN. The contents were in gunny sacks. Testimony was given as to the exact contents of those gunny sacks by the men who put the contents in them.

Mr. HUSTING. I do not understand that they were locked in a vault, but that they were put in a building where anybody had access to them.

The CHAIRMAN. They were in the loft of private property—a building which, it was testified, was kept locked. What do you think might be disclosed by further examination with regard to those papers?

Mr. HUSTING. Whether or not there was an opportunity to remove papers that should have come before our committee.

The CHAIRMAN. Before your committee?

Mr. HUSTING. Yes, sir.

The CHAIRMAN. The committee is not out of sympathy with you in regard to the responsibility for the various shiftings of those papers. I think I have developed what I desire. We will give the fullest consideration to your suggestions in regard to the development of further testimony. That is all I desire to ask this witness.

Senator POMERENE. Senator Husting, you have referred to the whereabouts of Mr. Shields during the investigation by the joint committee and by the senate committee. Mr. Shields testified before this committee in substance that he did not know that the committee wanted him, and that he was present in Madison two or three times when the committee was in session. What efforts did you or your committee use to locate him or to have him brought before the committee to testify?

Mr. HUSTING. The chairman of the committee had charge of that, and of course what I have I have from him. I know that subpoenas were issued for Mr. Shields, and that they were placed in the hands of some officer (presumably the sheriff of Superior) to subpoena Mr. Shields, and the reports that we got back were that Mr. Shields did not show himself within the city of Superior. I am getting this from Senator Marsh. Those were the reports that we got back—that Mr. Shields was living in Duluth and did not venture into Superior; at least they were not able to get service of papers on him from shortly after the 4th of March until we adjourned in May.

Senator POMERENE. From whom did you get that information?

Mr. HUSTING. From Senator Marsh. He was the one that placed the subpoenas in the hands of the proper officers for service; and we had meetings at which these matters were discussed.

Senator POMERENE. Did you learn at any time that he was at West Baden during the hearings?

Mr. HUSTING. No, sir; never.

Senator POMERENE. Had you yourself made any personal efforts to locate him, by inquiry or otherwise?

Mr. HUSTING. I am quite sure I did. I think I spoke to Superior people, some of them.

Senator POMERENE. Did the sergeant at arms of the senate, or his assistant or deputies, make an effort to locate him?

Mr. HUSTING. I know this, Senator: That an effort was made; that we wanted him, and that the newspapers published it any number of times during the investigation—that Mr. Shields was wanted, and Mr. Thayer was another one; there were three or four witnesses that were wanted by the committee and that were absenting themselves. It was a matter of public notoriety.

Senator POMERENE. You mean the papers of Madison and of Milwaukee?

Mr. HUSTING. Yes, sir. I think interviews were given out to that effect. Our committee had meetings at which we discussed this matter, and endeavored to secure these men for the purpose of testifying.

Senator POMERENE. During what period of time did your committee want him?

Mr. HUSTING. After the 4th of March.

Senator POMERENE. And from that time up until the conclusion of your testimony?

Mr. HUSTING. Yes, sir.

Senator POMERENE. Did you know of Mr. Shields being in Madison during the time of the investigation?

Mr. HUSTING. No, sir.

Senator POMERENE. He never appeared before the committee?

Mr. HUSTING. No, sir; not to my knowledge. As I say, I did not know the gentleman by sight, but I know that we never learned through any source that he was at Madison. If he was there, he certainly took pains to keep out of sight; he must have taken pains to keep out of sight of those who were looking for him—the sergeant at arms and the rest of them who were instructed that we wanted to subpoena him.

Senator POMERENE. Have you any information as to where Shields obtained this \$700 which he claims to have expended while in Madison during the session of the legislature?

Mr. HUSTING. No, sir; I have not.

Mr. LITTLEFIELD. If the Senator pleases, I do not think he claims to have expended \$700 while he was there. He drew a \$200 check just before he started for West Baden.

Senator POMERENE. Perhaps that is stating it a little broadly. He could not account for it. As I remember the testimony, he had about \$500 in cash when he went there, and he later drew a check for \$200 or \$250.

Mr. LITTLEFIELD. Yes; just before he started for West Baden, as I remember it.

Senator POMERENE. I did not remember that he gave a date as to when that was done. He accounted for the train—\$150, or something like that.

Mr. LITTLEFIELD. \$125.

Senator POMERENE. Something like that; and he stated that his expenditures would run from \$10 to \$20 per day while in Madison;

and beyond that he did not attempt to give any account of it. On page 125 he makes this statement in answer to the question as to what he had done with the \$700 or \$750:

How much did it cost you per day while you were there?

Mr. SHIELDS. I do not know. I can not say. Probably \$10 or \$20 a day.

Later than that, without detailing it, he was asked:

What did you do with the other \$500?

Mr. SHIELDS. I do not know what I did with it. I haven't any idea. I spent the money around there. That is all I know.

Then he says something about entertaining, etc.

I think that is all I desire to inquire.

The CHAIRMAN. In this connection I will read into the record some telegrams in regard to Mr. Shields and conversations reported to have been had with him.

On October 28 the chairman telegraphed David Twohy, the Old National Bank, Spokane, Wash., who is the man referred to by the witness Bell. The telegram reads as follows:

OCTOBER 28, 1911.

DAVID TWOHY,

Old National Bank, Spokane, Wash.:

Senate committee on Stephenson investigation is informed that Robert J. Shields met you at Auditorium Hotel, Chicago, three or four days before election of Senator Stephenson on March fourth, nineteen nine, and told you that he, Shields, had got things fixed up for the election of Stephenson, to be pulled off on March fourth, and that you reported such conversation to Congressman Lenroot, of Wisconsin. Did you have any such conversation with Shields or Lenroot? Demand is made that you be subpoenaed. Do not desire to incur trouble or expense unless you are prepared to verify alleged conversation.

W. B. HEYBURN, *Chairman.*

This reply has been received over the lines of the Postal Telegraph Co., under date of October 28:

W. B. HEYBURN,

Chairman Senate Committee, Milwaukee:

Have not seen Robert J. Shields for several years. Have no recollection of any such conversation. Must be case of mistaken identity.

D. W. TWOHY.

Under the circumstances the committee will not be justified in bringing Mr. Twohy from Spokane to testify in this case.

Mr. LITTLEFIELD. That goes into the record, I suppose?

The CHAIRMAN. Yes. Will you undertake to furnish the committee with the names of any witnesses who, in your judgment, would throw additional light upon the charges which have been made in this case and which are now under investigation?

Mr. HUSTING. I will do that, although I have none in mind at the present time.

The CHAIRMAN. You have none in mind, you say?

Mr. HUSTING. No, sir.

The CHAIRMAN. The committee does not desire to continue open sessions in Milwaukee longer than is absolutely necessary and has attempted to get all of the evidence that could be produced. We do not desire to produce cumulative testimony upon questions that have already been testified to. When can you furnish such a list of names? Or can you state any of them now?

Mr. HUSTING. I will say this to the committee: That if I learn of any I will be very glad to furnish them. I have not sought any, nor have I learned of any.

The CHAIRMAN. You have none in mind at the present time?

Mr. HUSTING. No, sir.

The CHAIRMAN. Does counsel desire to ask any questions of this witness?

Mr. LITTLEFIELD. Yes.

The CHAIRMAN. Then the witness is with you.

Mr. LITTLEFIELD. Mr. Chairman, I first move to strike from the record all of the testimony of this witness that relates to the findings of the committee of which he was a member by which the witness undertakes to explain or supplement the report, or to state facts upon which he reached his conclusions, or by which he undertakes to restate any conclusions, or any explanations that the witness undertakes to make in relation to that report and the finding of the committee of which he was a member. I do this upon the ground that under no circumstances can the finding of that committee nor the opinion of Senator Husting now be in any sense legal evidence before the United States Senate committee in establishing any issue that is involved in this hearing.

The CHAIRMAN. Were this a court of law or equity investigating issues framed by the methods of pleading, the motion would be sustained without hesitation. But because of the inquisitorial powers and duties of the committee, the committee will not do more than to note the motion, and let it rest with the ultimate tribunal to determine whether or not it will give it any value.

Mr. LITTLEFIELD. Of course the chairman appreciates that I was following the suggestion of the committee as to the course we should pursue. I should not want this record to even by inference contain the idea that we by any means assented to the propriety of testimony of this sort as bearing on this issue.

The CHAIRMAN. The Chair will say this: It will be found much easier to ultimately strike out matters that should not be considered in determining this question than it will be to supply them if they are not at hand.

Mr. LITTLEFIELD. I appreciate that. I also move to strike out all of the testimony given by this witness which is clearly hearsay, especially relating to conversations between the witness and Mr. McCordic and a conversation between Mr. McCordic and Mr. Cook.

The CHAIRMAN. That motion will be noted under the same conditions.

Mr. LITTLEFIELD. Very well.

Mr. Husting, did you ever see any of these subpoenas that were issued to compel the attendance of Mr. Shields?

Mr. HUSTING. I do not think I ever saw any of the subpoenas.

Mr. LITTLEFIELD. Do you know how many were issued?

Mr. HUSTING. No; I do not know how many were issued. I do not know whether there was more than one issued for Mr. Shields or not.

Mr. LITTLEFIELD. Do you know whether the one that was issued was placed in the hands of the sergeant at arms for service or whether it was sent to the sheriff of Superior County?

Mr. HUSTING. The chairman of the committee attended to all of that. I presume it was sent to the sheriff of Superior County.

Mr. LITTLEFIELD. My question is if you know whether it was placed in the hands of the sergeant at arms or in the hands of the sheriff?

Mr. HUSTING. I do not know.

Mr. LITTLEFIELD. Have you any idea how long that subpoena remained in the hands of the sheriff of Superior County, if it was sent to him?

Mr. HUSTING. Do you mean of my own personal knowledge?

Mr. LITTLEFIELD. Yes, or by hearsay. How long did it remain in his possession?

Mr. HUSTING. I was speaking from what I understood to be the case, that it remained in his possession until the legislature adjourned. We were seeking Mr. Shields throughout the time the legislature was in session.

Mr. LITTLEFIELD. You mean until the forty-ninth legislature adjourned sine die?

Mr. HUSTING. Yes.

Mr. LITTLEFIELD. On what date was that?

Mr. HUSTING. I think it was near June 17.

Mr. LITTLEFIELD. 1909?

Mr. HUSTING. Yes.

Mr. LITTLEFIELD. Do you know whether any effort was made to ascertain the whereabouts of Mr. Shields from his partner, Mr. Harper, in Superior?

Mr. HUSTING. No; I do not.

Mr. LITTLEFIELD. You do not know whether Mr. Marsh made any effort to ascertain from Mr. Harper where Mr. Shields was?

Mr. HUSTING. Mr. Marsh told us that the man to whom he gave the subpoena, who was serving it, was to use all diligent means to get the man, because we wanted him.

Mr. LITTLEFIELD. That may be very true. I ask you now if you know whether Mr. Marsh made any application to Mr. Harper, Mr. Shields's partner, or a member of his corporation, to ascertain where Mr. Shields was?

Mr. HUSTING. No; I do not.

Mr. LITTLEFIELD. Did you make any application to Mr. Harper?

Mr. HUSTING. No, sir.

Mr. LITTLEFIELD. You knew Mr. Shields had an office in Superior?

Mr. HUSTING. I did not know whether he had an office in Superior with Mr. Harper or not.

Mr. LITTLEFIELD. You knew that he was in the insurance business?

Mr. HUSTING. Yes, sir.

Mr. LITTLEFIELD. You knew he had an office in either Superior or Duluth?

Mr. HUSTING. Yes.

Mr. LITTLEFIELD. Did you make any effort yourself, by application to Mr. Shields' office either in Duluth or in Superior, to ascertain the whereabouts of Mr. Shields at any time?

Mr. HUSTING. No. I might add that I presume that was the place where the sheriff or the officer would go to get the information.

Mr. LITTLEFIELD. That you volunteer?

Mr. HUSTING. Yes.

Mr. LITTLEFIELD. And you do that deliberately. You know it is not called for by the question?

Senator POMERENE. It is quite pertinent as an answer, it seems to me.

Mr. LITTLEFIELD. That is his guesswork about it.

Senator POMERENE. It is not a guess.

Mr. LITTLEFIELD. It is his presumption, I submit; and I submit further that it is a voluntary statement on the part of the witness that he had no right to make.

Mr. HUSTING. I do not concede any such thing.

Mr. LITTLEFIELD. Have you taken any interest in this investigation?

Mr. HUSTING. Yes.

Mr. LITTLEFIELD. Have you taken a very decided interest in this investigation?

Mr. HUSTING. Yes.

Mr. LITTLEFIELD. A very active interest in it?

Mr. HUSTING. Yes.

Mr. LITTLEFIELD. Have you been in constant conference from day to day in connection with it?

Mr. HUSTING. When do you mean?

Mr. LITTLEFIELD. I mean, after the committee concluded its hearings, and in my presence.

Mr. HUSTING. No.

Mr. LITTLEFIELD. What?

Mr. HUSTING. Do you mean here?

Mr. LITTLEFIELD. Yes. Have you been in constant conference with the committee?

Mr. HUSTING. No.

Mr. LITTLEFIELD. Have you not repeatedly, day after day, been in conference with the committee?

The CHAIRMAN. I think that question is improper.

Mr. LITTLEFIELD. I want to show the interest of the witness. It is not meant as any reflection on the committee.

The CHAIRMAN. That question is improper. It would not be proper in any court of justice in the land. It would not be proper before this committee. The committee is at liberty to confer with anyone with whom it may see fit to confer. That fact does not cast any reflection upon the committee or upon the witness. No more questions of that kind will be permitted.

Mr. LITTLEFIELD. I offer it as bearing upon the interest the witness has taken in the inquiry.

The CHAIRMAN. It does not make any difference what his interest is.

Mr. LITTLEFIELD. Then I will rest with this: You have been taking a very active interest in this whole investigation?

Mr. HUSTING. Before this committee?

Mr. LITTLEFIELD. Yes.

Mr. HUSTING. Yes; I have.

Mr. LITTLEFIELD. From the beginning of this investigation?

Mr. HUSTING. Yes.

Mr. LITTLEFIELD. Will you be kind enough to tell me just what resolution your joint committee were acting under in proceeding in the investigation before the Wisconsin Legislature, in the forty-ninth legislature? I suppose you can turn right to it.

The CHAIRMAN. Wait just one moment, until we determine whether or not we desire to go into that. Many pages of these volumes are filled with a discussion of that question. To what purpose is the question directed?

Mr. LITTLEFIELD. I want to get right into the record now, at this point, the authority of this investigating committee, acting for the Wisconsin Legislature. I want that in the record as the basis of my further cross-examination.

The CHAIRMAN. This committee is not interested in knowing how much authority that investigation committee had; and an inquiry in regard to it is not material.

Mr. LITTLEFIELD. Than I understand the chairman excludes it?

The CHAIRMAN. Yes.

Mr. LITTLEFIELD. Under what authority was the senate investigating committee acting?

The CHAIRMAN. The same ruling will be applied to that question.

Mr. LITTLEFIELD. When did the joint investigating committee cease its work?

Mr. HUSTING. I think some time in April.

Mr. LITTLEFIELD. April, 1909?

Mr. HUSTING. Yes.

Mr. LITTLEFIELD. Did the joint investigating committee have any sessions after that?

Mr. HUSTING. I think they had a session for the purpose of formulating a report.

Mr. LITTLEFIELD. When?

Mr. HUSTING. I could not tell you.

Mr. LITTLEFIELD. How long after?

Mr. HUSTING. I think their report will show it.

Mr. LITTLEFIELD. Did the house members of the committee meet with the senate members?

Mr. HUSTING. No, sir.

Mr. LITTLEFIELD. Did the house members of the committee meet with the senate members at any time after the joint investigating committee ceased its work?

Mr. HUSTING. I think not.

Mr. LITTLEFIELD. Then this report which the senate committee signed under date of January 10, 1911, is a report made by the senate members of a joint committee without any conference with the house members? That is right, is it?

Mr. HUSTING. Yes.

Mr. LITTLEFIELD. And the house members took no part in it?

Mr. HUSTING. No; they had already made their report.

Mr. LITTLEFIELD. It does not matter about that. They took no part in it?

Mr. HUSTING. No, sir.

Mr. LITTLEFIELD. They were not consulted by the senate end when the conclusions about which you have been testifying were reached?

Mr. HUSTING. No.

Mr. LITTLEFIELD. Do I understand you to say that the senate end of this committee got together and made this report, dated the 10th of January, 1911, and handed it to the governor about 30 minutes before the expiration of the forty-ninth legislature?

Mr. HUSTING. Yes.

Mr. LITTLEFIELD. Am I right about that?

Mr. HUSTING. Yes.

Mr. LITTLEFIELD. That was about half past 11, I suppose?

Mr. HUSTING. Yes.

Mr. LITTLEFIELD. And, as you understand it, at 12 o'clock, after you submitted this report at 11.30 o'clock, the forty-ninth legislature (which gave you your authority) ceased to exist and the fiftieth legislature came into existence?

Mr. HUSTING. Yes.

Mr. LITTLEFIELD. That is right, is it not?

Mr. HUSTING. Yes.

Mr. LITTLEFIELD. And your report to the forty-ninth legislature was constructive and technical, and it all occurred 30 minutes before that legislature expired by constitutional limitation?

Mr. HUSTING. It had to be constructive, and was.

Mr. LITTLEFIELD. And the report was not made until 30 minutes before that legislature expired by constitutional limitation? That is right?

Mr. HUSTING. That is right.

Mr. LITTLEFIELD. And the only way you got it in was by handing it to the governor?

Mr. HUSTING. We got it in in the proper way, as we supposed.

Mr. LITTLEFIELD. You handed it to the governor?

Mr. HUSTING. We filed it with the governor's office.

Mr. LITTLEFIELD. I do not mean that you handed it to him personally. The legislature that acted upon the report of the senate committee was not the legislature that created the committee?

Mr. HUSTING. No, sir.

Mr. LITTLEFIELD. I suppose your position is that Mr. Marsh and Mr. Morris were just as much members of that committee at the time that report was made as you were?

Mr. HUSTING. So far as the signing of it was concerned, yes.

Mr. LITTLEFIELD. For all intents and purposes?

Mr. HUSTING. Not for all intents and purposes, but for the purpose of finishing what they were delegated to do—to complete their task.

Mr. LITTLEFIELD. They completed it before the legislature that created them expired; that is, 30 minutes before it expired?

Mr. HUSTING. Yes.

Mr. LITTLEFIELD. Who wrote this report?

Mr. HUSTING. The three of us wrote it.

Mr. LITTLEFIELD. What part did you write?

Mr. HUSTING. It is so intertwined that it would be impossible for anyone to pick out and say that he wrote this and that the other man wrote the other part. We collaborated in it.

Mr. LITTLEFIELD. You were all together?

Mr. HUSTING. Yes.

Mr. LITTLEFIELD. How long were you in preparing this report?

The CHAIRMAN. Is this of material interest? The committee is not disposed to curtail the cross-examination; but it would like the cross-examination to be pertinent to something that has been testified to.

Mr. LITTLEFIELD. Inasmuch as quite a variety of conclusions have been testified to here, it is my purpose on the cross-examination to develop, if I can, that there is not very much foundation for those conclusions. Of course I am subject to the control of the committee. That is what I am proceeding now to do. That is the line I propose

to follow. It is, of course, entirely for the committee to say what I shall be allowed to do.

Senator POMERENE. Suppose there is no foundation at all for those conclusions; how is that matter pertinent?

Mr. LITTLEFIELD. The witness has testified to certain conclusions that he has drawn. I do not know what force is to be given to those conclusions.

Senator POMERENE. It is simply a matter of the explanation of his report, to aid this committee in its investigation of the law, more especially, as I have it in mind. We have asked him to refer explicitly to certain sections of the statute which he claims have been violated. That is to aid us—not that we are bound or controlled or even influenced in the slightest degree by any report.

Mr. LITTLEFIELD. That is perfectly true, but do I understand the Senator to suggest that the witness has not repeatedly referred to various facts upon which he relied in reaching these conclusions?

Senator POMERENE. That is true; but that does not control us in reaching our conclusions.

Mr. LITTLEFIELD. I do not think the opinion of the witness has any place here at all, but inasmuch as it is here, and inasmuch as he has testified to it, as far as I am allowed I propose to search the judgment of the witness upon the propriety of some of his conclusions. Of course I am subject to the control of the committee; and if the committee does not think it ought to be done, that ends it.

Senator POMERENE. I do not think we are concerned about that.

Mr. LITTLEFIELD. I will put enough questions so that the record will show what my position is.

The CHAIRMAN. After the committee has said that a certain line of questions would not be admitted, the committee will not sit here to have those questions placed in the record merely for the purpose of formulating them.

Mr. LITTLEFIELD. Do I understand the committee to rule that I can not do that? Here are 22 different propositions as to which the witness has been examined. It is my desire to cross-examine the witness in relation to quite a number of those conclusions and findings, matters as to which he has already testified—not so much as a matter of law, but as a matter of fact. If the committee rules it is not open to me to cross-examine as to any of these matters or findings, that ends it.

The CHAIRMAN. The record will show the purpose of the witness and the opinion of the committee, and it may rest there.

Mr. LITTLEFIELD. Very well. Then I can not go any further along that branch. I feel that I ought to say, before leaving it, that I think I can demonstrate from his own record the unreliability of any of these findings.

The CHAIRMAN. That would be a very excellent subject for a brief.

Mr. LITTLEFIELD. Yes; but I do not suppose the whole 6,000 pages of testimony taken before that committee will be made a part of this record; and when I get up the brief I will not have those pages before me.

The CHAIRMAN. Counsel will have an opportunity of arguing the matter and presenting a brief.

Mr. LITTLEFIELD. Of course the chairman appreciates the significance of my suggestion, and the reason I desire to proceed along this line.

Mr. HUSTING. I may say that I am sorry the committee does not permit you to examine me; and I would like to have the record show that.

Mr. LITTLEFIELD. I should be pleased to put this in such shape that the witness could not criticize me for any lapse of duty in that respect. I believe he does labor under the impression that there has been a failure in that respect. I think that when I got through with him, if I had the opportunity, he would admit that I had done the best I could in that direction.

Mr. HUSTING. Oh, I would admit that.

Mr. LITTLEFIELD. We will not spend any time, however, on the question of our personal satisfaction. I can not waste the time of my client in gratifying the desire of this distinguished gentleman; and of course I can not take the time of the committee, either.

Senator POMERENE. That was one of the things we had in mind when we made the ruling.

Mr. LITTLEFIELD. Yes; but as far as that is concerned, I am ready to spend my client's time and the committee's time on what I think is necessary to protect the rights of my client.

I am going to ask you this question, which does not appear in the findings. You say Senator Stephenson personally paid Mr. Stone money. I should like to have you point out in this record the evidence upon which you justify that statement that you swear to—that Mr. Stephenson personally paid J. W. Stone money.

Mr. HUSTING. Where do you find that?

Mr. LITTLEFIELD. I have it right on my notes. You swore to it.

Mr. HUSTING. I do not think you will find that in the record.

Mr. LITTLEFIELD. You do not think you swore to it?

Mr. HUSTING. I do not think I did.

Mr. LITTLEFIELD. I will tell you what I will do. I will look that up, and if I am mistaken of course there is nothing in it. If I am not mistaken, I would like to have you submit to the committee the piece of testimony by which you justify that statement, which I think you swore to. We will not discuss that.

Mr. HUSTING. I just want to say, in connection with that, that if I did say so I meant to say he authorized that expenditure.

Mr. LITTLEFIELD. We will not spend any time in discussing what you meant or what you thought. If I find that statement in the record, I want you to point me to the testimony that you think justifies it.

Mr. HUSTING. I will tell you now that there is no testimony that justifies that statement. The testimony is there that Senator Stephenson personally authorized this expenditure.

Mr. LITTLEFIELD. That he personally authorized it? You can look it up and find it.

The CHAIRMAN. I will suggest to counsel that there is too much side-bar talk between the witness and counsel. It takes up the time of the committee. If counsel will present the propositions that he desires to have ruled upon, they will be disposed of.

Mr. LITTLEFIELD. Very well. I will leave this matter where I have stated it.

You say the destruction of memoranda by Mr. Edmonds was prohibited by Section 4543b?

Mr. HUSTING. Yes.

Mr. LITTLEFIELD. Do you mean that that relates to the primary campaign, or to Mr. Edmonds as the chairman and treasurer of the State central committee?

Mr. HUSTING. As the chairman and treasurer of the State central committee.

Mr. LITTLEFIELD. If your testimony indicated a different application, that was an error?

Mr. HUSTING. That was an error if it so indicated.

Mr. LITTLEFIELD. I am not certain about that. You did not intend to say that there was any statute that prohibited the destruction of papers in connection with the primary campaign?

Mr. HUSTING. No, sir.

Mr. LITTLEFIELD. I understood you to say that Senator Stephenson directed a payment of money to the Marinette Star. I may be mistaken about that. Do you mean to say that?

Mr. HUSTING. Something to that effect.

Mr. LITTLEFIELD. I will give you what you said on that point, and ask you to look up the record; and I will ask you to tell us what you think justifies that.

Mr. HUSTING. I wish these questions would be submitted to-day, for I have to appear in a trial to-morrow.

Mr. LITTLEFIELD. There is a tremendous rush all at once.

Mr. HUSTING. I have been waiting here for three weeks.

Mr. LITTLEFIELD. It is not my fault.

The CHAIRMAN. I suggest that this conversation cease. The witness requests that whatever questions are to be submitted to him may be submitted to him to-day. That is entirely reasonable. This committee will not be in session after to-morrow.

Mr. LITTLEFIELD. Then I shall ask the reporter who took his statements on that point to come back and read his notes.

The CHAIRMAN. The committee will dispose of that request now. The reporter will not be required to read back through the testimony at this time.

Mr. LITTLEFIELD. Then if you did say that Mr. Stephenson directed the payment to the Marinette Star, is it true or not?

Mr. HUSTING. It is true to this extent: that Mr. Van Cleve testified that Mr. Stephenson told him to go and see Mr. Noyes and arrange for more activity on his part—inferentially, to pay him money. That is what I claim the testimony shows.

Mr. LITTLEFIELD. That is in the testimony of Mr. Van Cleve?

Mr. HUSTING. Yes; before our committee.

Mr. LITTLEFIELD. You say that at one time Democrats, Socialists, and Republicans went out of the joint session of the legislature on the occasion of a vote for United States Senator?

Mr. HUSTING. Yes.

Mr. LITTLEFIELD. What branch of the Republicans?

Mr. HUSTING. The branch consisting of anti-Stephenson Republicans; that is, anti-Stephenson in that campaign.

Mr. LITTLEFIELD. Half-breeds?

Mr. HUSTING. I think most of them were, yes, if not all of them.

Mr. LITTLEFIELD. All of them were?

Mr. HUSTING. I am not sure about that.

Mr. LITTLEFIELD. Everybody knew it was the Half-breed element?

Mr. HUSTING. It was the Half-breed element at that time; yes.

Mr. LITTLEFIELD. Do you know where Mr. Titus is now?

Mr. HUSTING. No; I do not.

Mr. LITTLEFIELD. How long has it been since you have seen him?

Mr. HUSTING. I have not seen him since the legislature adjourned.

Mr. LITTLEFIELD. When was that?

Mr. HUSTING. That was some time in July.

Mr. LITTLEFIELD. 1911?

Mr. HUSTING. Yes.

Mr. LITTLEFIELD. The conversation to which you testified as occurring in Chicago was in May, 1911, as you remember it?

Mr. HUSTING. As I remember it. The exact date can be determined from the register of the hotel.

Mr. LITTLEFIELD. Had you been in Chicago within a short time before that?

Mr. HUSTING. No; I had not. I had not been there during the session of the legislature.

Mr. LITTLEFIELD. Have you been there since?

Mr. HUSTING. No, sir.

Mr. LITTLEFIELD. So that if your name appears on the register of the Great Northern Hotel, that would be the only time you were there, and that would indicate the date of the conversation?

Mr. HUSTING. Yes.

Mr. LITTLEFIELD. You do not know where Mr. Titus is?

Mr. HUSTING. No; I do not.

Mr. LITTLEFIELD. You heard Senator Morris testify the other day in relation to this conference in Chicago?

Mr. HUSTING. Yes.

Mr. LITTLEFIELD. And in relation to his inability to remember the name of the attorney in whose office the conference was held?

Mr. HUSTING. Yes.

Mr. LITTLEFIELD. And to his conference with you in relation to the question as to the name?

Mr. HUSTING. Yes.

Mr. LITTLEFIELD. At that time you were not able to remember the name?

Mr. HUSTING. Momentarily I had forgotten it.

Mr. LITTLEFIELD. At the time you had the conference with Mr. Morris you had forgotten the name of the attorney?

Mr. HUSTING. Yes; I could not recall it.

Mr. LITTLEFIELD. I suppose that is the same thing. If you had forgotten it, you could not recall it?

Mr. HUSTING. No; there is a difference.

Mr. LITTLEFIELD. Which way do you want to leave it?

Mr. HUSTING. I will leave it just as I stated it.

Mr. LITTLEFIELD. That is, that you could not recall it?

The CHAIRMAN. He has stated it.

Mr. LITTLEFIELD. How many times had you discussed this conversation in Chicago with Mr. Morris, prior to the beginning of the testimony of Mr. Morris here before the committee?

Mr. HUSTING. We did not discuss that testimony from the time we were at Chicago—that is, the substance of the testimony—until after he had been on the witness stand.

Mr. LITTLEFIELD. You say you had not discussed the substance of it?

Mr. HUSTING. I mean we had not gone over the details of what he testified to.

Mr. LITTLEFIELD. Had you discussed with him the question as to where it took place and the name of the man in whose office it occurred?

Mr. HUSTING. Before that?

Mr. LITTLEFIELD. Yes; before Mr. Morris testified.

Mr. HUSTING. I do not think we had.

Mr. LITTLEFIELD. You had a short time before he testified?

Mr. HUSTING. I think when he was being examined here, either he or some one came up to me and asked me what the name was, and I told him momentarily it had escaped me; and before that session concluded I gave the name of the attorney to the committee.

Mr. LITTLEFIELD. Mr. Morris did not give the name?

Mr. HUSTING. No, sir.

Mr. LITTLEFIELD. Did you make any note of this conversation?

Mr. HUSTING. No, sir.

Mr. LITTLEFIELD. Did you consider it an important matter?

Mr. HUSTING. I considered it important in an indirect way. I never considered it of primary importance.

Mr. LITTLEFIELD. I understand. Of course you knew it was hearsay testimony?

Mr. HUSTING. Yes.

Mr. LITTLEFIELD. But it was a subject matter in which you were interested?

Mr. HUSTING. Yes.

Mr. LITTLEFIELD. And had been for quite a long while?

Mr. HUSTING. In a way that is true, although I want to say that during the session of the legislature I had given my attention almost entirely to other matters.

Mr. LITTLEFIELD. Yes; of course I do not mean by that that you had it in your mind every day. What I mean by that is that it was a matter in which you had taken a very vigorous interest, and when you went to Chicago you went there for the purpose of getting what you hoped to be information that would be of value.

Mr. HUSTING. Yes, sir.

Mr. LITTLEFIELD. That is true?

Mr. HUSTING. Yes, sir.

Mr. LITTLEFIELD. And while it was, of course, purely hearsay, it was an important subject matter, was it not?

Mr. HUSTING. Yes, sir.

Mr. LITTLEFIELD. You so understood it?

Mr. HUSTING. I considered it important in view of the general idea that Mr. Shields was the man that had paid, or was presumed to have paid, the money to the legislators.

Mr. LITTLEFIELD. You considered it important, at any rate, in the respect that it gave you information that might lead you on an investigation?

Mr. HUSTING. Exactly.

Mr. LITTLEFIELD. That might enable you to ferret out the real facts?

Mr. HUSTING. Exactly.

Mr. LITTLEFIELD. And from that point of view it was an important conversation?

Mr. HUSTING. Yes, sir.

Mr. LITTLEFIELD. Was Mr. Morris present during the conversation you had with McCordic?

Mr. HUSTING. Yes, sir.

Mr. LITTLEFIELD. Before Mr. Cook came in?

Mr. HUSTING. Yes, sir.

Mr. LITTLEFIELD. All of it?

Mr. HUSTING. Yes, sir.

Mr. LITTLEFIELD. Was Mr. Titus there at the same time?

Mr. HUSTING. Yes, sir.

Mr. LITTLEFIELD. Was he present during all of the conversation with McCordic?

Mr. HUSTING. Yes, sir.

Mr. LITTLEFIELD. Mr. Morris and Mr. Titus, I take it, heard everything that you heard?

Mr. HUSTING. Yes, sir.

Mr. LITTLEFIELD. And they were both present when Mr. Cook came in, and, in the presence of McCordic, had the subsequent conversation?

Mr. HUSTING. Yes, sir.

Mr. LITTLEFIELD. That is right, is it?

Mr. HUSTING. Yes, sir.

Mr. LITTLEFIELD. And they both heard the same conversation that you heard?

Mr. HUSTING. Yes, sir; I presume they did. They were right there.

Mr. LITTLEFIELD. They were sitting right close by, were they not?

Mr. HUSTING. Yes, sir.

Mr. LITTLEFIELD. And they were there for the same purpose you were there. Did you make a note or memorandum on anything as to the time when you went down there?

Mr. HUSTING. No, sir; I did not.

Mr. LITTLEFIELD. Have you nothing anywhere that indicates when you made this trip to Chicago for this purpose?

Mr. HUSTING. I made absolutely no record of that at all, as, of course, I never expected to be a witness in that respect.

Mr. LITTLEFIELD. You never even made any memorandum of the details that you learned there?

The CHAIRMAN. The witness said he made no memorandum at all.

Mr. LITTLEFIELD. Yes. What was my question?

The reporter read the pending question.

Mr. LITTLEFIELD. You never made any memorandum of any details that you learned there?

Mr. HUSTING. No, sir.

Mr. LITTLEFIELD. Will you be kind enough to state to the committee just exactly the conversation that took place after Mr. Cook came into the office? First, how did the conversation begin? Of course you understand that I do not expect you to state it word for word.

Mr. HUSTING. You put the question "exactly." I would not undertake to state exactly what was said.

Mr. LITTLEFIELD. Then, first, what occurred when Mr. Cook came into the office?

Mr. HUSTING. As far as I can recollect it, when Mr. Cook came into the office Mr. McCordic introduced us to Mr. Cook, told him who we were, and what we were there for.

Mr. LITTLEFIELD. What did he say?

Mr. HUSTING. Mr. Cook?

Mr. LITTLEFIELD. No. What did Mr. McCordic say?

Mr. HUSTING. That is the substance of it. I have given it to you.

Mr. LITTLEFIELD. What next occurred?

Mr. HUSTING. Mr. McCordic told Mr. Cook what he had told us—that he thought Mr. Cook would tell us what he had heard about this matter if we would hold it in strict confidence. Thereupon Mr. Cook said: "Yes; I will tell you about this if you fellows will keep this under your hat," or "in strict confidence," or "in the office." I forget just exactly what expression he used.

Mr. LITTLEFIELD. Did Mr. McCordic repeat to Mr. Cook substantially what he had stated to you and Mr. Morris and Mr. Titus before; or did he simply say in a general way that he had talked the matter over with you?

Mr. HUSTING. He did not give the details at all of what he told us. He merely said that he had told us what he (Cook) knew, and that he thought Mr. Cook would repeat it to us if we agreed to hold it in strict confidence.

Mr. LITTLEFIELD. And that you agreed to do?

Mr. HUSTING. That we agreed to do.

Mr. LITTLEFIELD. And then Cook went on and made his statement?

Mr. HUSTING. Cook went on then to make his statement.

Mr. LITTLEFIELD. We have gotten now right up to the point of the conversation. I should like to have you state now, fully, everything that you now remember that Cook did say. Give the language as nearly as you can.

Mr. HUSTING. I will not undertake to give Mr. Cook's language at all. All that I can do is to give my best recollection of the substance of the conversation, and that part of the conversation which we went to get. The rest of the conversation that day has escaped my mind entirely.

Mr. LITTLEFIELD. Give me, as nearly as you can, the language used by Cook in making whatever statement he did make after Mr. McCordic made this introductory statement to him.

Mr. HUSTING. In candor, I could not testify to any such thing at all. I can only give you the substance of what he said. I can not give you the language.

Mr. LITTLEFIELD. Give me the nearest to it that you can. That is my question.

Mr. HUSTING. I will do the best I can so far as the substance of it is concerned.

Mr. LITTLEFIELD. Yes.

Mr. HUSTING. Mr. Cook told us that the way he was told this matter was something like this: That Mr. Hines heard that a resolution had been introduced to investigate Senator Stephenson, and that he conceived the idea of helping along in the blocking of the election

of Isaac Stephenson for purposes of his own, to get him in his favor or under his control (I forget just how he put it), and that he sent an agent out to Madison—I think it was Mr. Shields—to see some of the men that had been voting for Stephenson, and told them to “pull off,” to “hold off”; that they were fools, or something like that, to give their vote now, and that there might be something in it later if they would withhold their vote from Stephenson. That thereupon Mr. Hines saw Senator Stephenson in Washington and told him that it looked kind of bad for him; that it looked as though he might be defeated, or that he could not be elected, and then told him that he (Hines) could elect Mr. Stephenson, but it would require a lot of money; that Senator Stephenson asked him how much, and he said \$115,000, but that if Stephenson would put up half he would raise the other half. That Stephenson at first demurred, but finally agreed to put up his half, and did put up his half. That Hines then got Bob Shields to go down to Madison and “pull it off” with the money.

Mr. LITTLEFIELD. Is that all? That is, have you anything more?

Mr. HUSTING. That is all, except his meeting on the railroad train. Oh, yes, yes; there is another thing that escaped my mind: That Bob Shields then went down to Chicago to get his money—he was to get \$15,000—and that he went into Mr. Hines’s office and demanded his pay for what he had done, and that Mr. Hines told him it was too much, or that he would not pay him, or something of that kind; and that Shields went back to Superior and got Harper, and that they then went down to Chicago, and Mr. Wiehe and Mr. Hines were there, and got into a dispute, and got pretty loud; and finally Hines told him that if he persisted in blackmailing him in that way, he would see that he went to the penitentiary; and then Shields said: “I have burned your buildings for you, I have bribed the assessors for you for your taxes, and I have committed every crime in the calendar except murder for you; and if I go to the penitentiary, by God, you are going along with me”; and he bolted from the office in a rage. That Hines then sent Wiehe out after him and got him back, and that they compromised on, I think it was, \$5,000—I see Mr. Cook said it was \$7,500, and maybe that is correct—and a certain amount of insurance on the casket factory in Chicago in which Mr. Hines is said to be interested, or in which Mr. Shields claimed that Mr. Hines was interested. Then there was this matter in regard to the train that I have already testified to.

Mr. LITTLEFIELD. You mean the special train?

Mr. HUSTING. No; the train between Duluth and Chicago.

Mr. LITTLEFIELD. Oh! When you saw Cook on the train?

Mr. HUSTING. Yes.

Mr. LITTLEFIELD. That is, you and Morris?

Mr. HUSTING. No, no; when Mr. Cook met Bob Shields on the train and would not recognize him. I have already testified about that.

Mr. LITTLEFIELD. Oh, yes; and that Shields practically insisted on being recognized?

Mr. HUSTING. Yes.

Mr. LITTLEFIELD. He had to persuade Cook before he would recognize him?

Mr. HUSTING. Yes.

Mr. LITTLEFIELD. That is the idea you got?

Mr. HUSTING. That he was teasing him, sounding him as to whether there was any truth or falsity in the story, and did it in that way.

Mr. LITTLEFIELD. That he declined to recognize Shields, and Shields rather forced himself on him, and then, having done so, made these disclosures?

Mr. HUSTING. Yes.

Mr. LITTLEFIELD. Have you stated everything that you now remember?

Mr. HUSTING. I think that is substantially all that I remember, although it is possible something might have escaped my mind.

Mr. LITTLEFIELD. Reflect a little bit and see if you think of anything more. This was all in the presence of Morris and Titus, as I understand it?

Mr. HUSTING. Yes, sir.

Mr. LITTLEFIELD. Just reflect a little and see if you think of anything more.

The CHAIRMAN. While the reflection is in process the committee will make an announcement. The committee desires to give an opportunity to Senator Stephenson, E. A. Edmonds, Rodney Sacket, and Henry Overbeck to be prepared to make response to any testimony that has been introduced before the committee that in their judgment they desire to refute. The committee desires that a list of the witnesses who will be called for that purpose be furnished the committee not later than the incoming of the committee to-morrow morning at 10 o'clock—

Mr. LITTLEFIELD. Yes, Mr. Chairman.

The CHAIRMAN (continuing). With a brief memorandum of what it is expected to prove by them. Mr. H. H. J. Upham will be called for the purpose of making a brief examination in regard to the making up of the statement, it appearing from the record that he superintended that. Mr. Knell will be called at a very early time to testify in regard to any payments made to Thomas Cleary, A. J. Klumb, or William O'Connor.

The cross-examination of this witness is extending beyond the anticipation of the committee. It is very desirous that the cross-examination shall not last out this session.

Mr. LITTLEFIELD. I think we can conclude it to-night. I shall only have one or two more questions.

The CHAIRMAN. The committee desired to transact some other business to-night before adjournment.

Mr. LITTLEFIELD. Yes.

What do you say, Senator, please? Do you recollect anything in addition to the testimony you have already given that occurred during the conference between Mr. Cook, Mr. McCordie, yourself, Mr. Morris, and Mr. Titus?

Mr. HUSTING. Oh, there was a great deal of conversation besides that; but I would not undertake to detail what it was. I know that Mr. Cook said—that was on the train—something about what we said; but he got it a little wrong. It was about our telling him that they forced a man out of the chamber. We just told him that this witness had an arm around the neck of the member; that Mr. Wayland had an arm around the neck of Towne, and rushed or hurried

him down through the corridor. That is what you have reference to, is it? Other than that——

Mr. LITTLEFIELD. No; all I wanted was any additional conversation that took place in the office between these people that I have mentioned. If you have given everything that you remember that related to the Stephenson matter, that exhausts that.

Mr. HUSTING. I have given you all that I can recollect about it.

Mr. LITTLEFIELD. Then, if I understand, in substance you understood Mr. Cook to be detailing a situation where Mr. Hines was practically undertaking to "hold up" Senator Stephenson in connection with this election?

Mr. HUSTING. Yes, sir.

Mr. LITTLEFIELD. And practically blackmail him?

Mr. HUSTING. Yes, sir.

Mr. LITTLEFIELD. That is all.

The CHAIRMAN. I desire to ask you one question at least: Do you think, now, that the statement as to Senator Stephenson's furnishing Mr. Hines or Mr. Shields any money for the purpose of corrupting any member of the legislature has any foundation?

Mr. HUSTING. I do not know.

The CHAIRMAN. That is all. You are excused.

FURTHER TESTIMONY OF W. R. KNELL.

W. R. KNELL, having been previously sworn, was recalled for further examination, and testified as follows:

The CHAIRMAN. Mr. Knell, you have been sworn. Do you know Thomas Cleary?

Mr. KNELL. I was told to-day that his name is Morris—not Thomas. I know the man when I see him.

The CHAIRMAN. Let that change be made, then, in the indexing.

Mr. KNELL. I understand that he testified under the name of "Morris" at Madison.

The CHAIRMAN. Did you furnish him any money during the Stephenson campaign?

Mr. KNELL. I paid him and another man by the name of Klumb, together, \$450 in the sixteenth ward and the adjoining railroad sections.

The CHAIRMAN. For what purpose did you give them this money?

Mr. KNELL. For the purpose of organizing the ward by hiring precinct men and primary day workers, distributing literature and cards, and in a general way enhancing the interests of Mr. Stephenson.

The CHAIRMAN. Did you have any accounting from these men?

Mr. KNELL. No. They estimated what it would take before I gave them the money.

The CHAIRMAN. The estimated that would cost so much money?

Mr. KNELL. Yes; what it would cost to do the work thoroughly.

The CHAIRMAN. Were they acting together?

Mr. KNELL. They were acting together.

The CHAIRMAN. Not separately?

Mr. KNELL. No.

The CHAIRMAN. What you say of Mr. Cleary would be true of Mr. Klumb?

Mr. KNELL. What I say of Mr. Cleary would be true of Mr. Klumb. Those two men handled the sixteenth ward and the surrounding railroad settlements.

The CHAIRMAN. You do not know where either of them is now?

Mr. KNELL. I had a conversation over the telephone with Mr. Klumb's wife, and she said that he had been sent out this morning to Stevens Point to make some investigation for the railroad, and she did not know just when he would be back, but he would be back within a day or two.

The CHAIRMAN. Did you give William O'Connor any money?

Mr. KNELL. I gave William O'Connor \$500.

The CHAIRMAN. For what purpose?

Mr. KNELL. For the same purpose—to look after the fourth ward, in particular, the colored vote, and the railroad vote adjoining on the south of the fourth ward—that is, in the eighth ward.

Senator POMERENE. \$500, you say.

Mr. KNELL. \$500; yes.

The CHAIRMAN. Do you know what they did with the money?

Mr. KNELL. I think the greater part of it was spent for that purpose.

The CHAIRMAN. For the same purpose you have indicated?

Mr. KNELL. Yes. I suppose they had themselves paid out of it.

The CHAIRMAN. Those men will not be called, they not being within the reach of the summons. I have no further questions of Mr. Knell.

Mr. LITTLEFIELD. What were these last questions in relation to?

Mr. KNELL. The question of the money paid to Mr. O'Connor, Mr. Cleary, and Mr. Klumb.

Mr. LITTLEFIELD. Does the committee intend to send for Mr. Cleary and Mr. Klumb?

The CHAIRMAN. Mr. Cleary is not obtainable. The committee has spent a great deal of energy and time in trying to get these men; it has made diligent inquiry as to the testimony they would give, and is fully advised that it is of the same order as the testimony given by other workers in the campaign. For that purpose the committee will substitute Mr. Knell's testimony as the best the committee can obtain in regard to it.

Mr. KNELL. Excuse me—these men all testified in Madison.

The CHAIRMAN. Yes; I know that. We have their testimony in the record of that investigation.

Mr. KNELL. Yes.

The CHAIRMAN. The committee will make such use of that as it sees fit. I want to say to counsel, in regard to this matter, that if counsel desire to go more into detail in this matter, they can do it through the medium of affidavits to be taken here, and furnish them to the committee. It is only cumulative of a vast amount of testimony, any item of which would have as much effect in determining this case as 100 items would.

Mr. LITTLEFIELD. That we can arrange when we come to arrange the disposition of the matter of affidavits. Then, I should like to ask Mr. Knell just one or two questions:

Did Mr. Cleary and Mr. Klumb use the sums that you placed in their hands for the purposes you directed them to use them for, so far as you know?

Mr. KNELL. So far as I know; yes.

Mr. LITTLEFIELD. What sort of supervision did you exercise over them, so that we can see what value there is to your statement in that regard?

Mr. KNELL. I required them, in the first place, to make a report at least once a week. Then I went over the ward and saw what they did, and, as we call it, "nosed around" to find out whether they were doing what they agreed to do. Then, as I stated the other day, I had all of my men keep watch at all times during the campaign to see whether they heard anything about any wrongdoing, or any of what you would call using money for corrupt influence; and I never heard of anything at all. Nothing of that sort ever came to my notice, even up to this date.

Mr. LITTLEFIELD. From any of your men?

Mr. KNELL. From anybody.

Mr. LITTLEFIELD. I think that is as far as we can go with Mr. Knell on that subject, then.

The CHAIRMAN. You are excused.

Mr. KNELL. Definitely?

The CHAIRMAN. You are excused for the term.

Mr. LITTLEFIELD. Sine die.

The CHAIRMAN. The committee will put upon Senator Stephenson and his counsel the responsibility of introducing the testimony to refute anything that in their judgment needs to be refuted. You doubtless have prepared yourselves to meet certain issues; and the committee will call these witnesses as requested, except as to Mr. Upham. That the committee will consider original work of its own.

Mr. LITTLEFIELD. Yes. Is Mr. Upham here tonight [addressing Mr. Black]?

The CHAIRMAN. Not to-night; but we desire to-morrow to close the testimony.

Mr. LITTLEFIELD. If we can get our stenographers this evening, Mr. Chairman, we will endeavor to submit a statement of the witnesses that we want to use, with a brief suggestion as to what we expect to show by them, which is what the committee wants, as I understand.

The CHAIRMAN. Submit them to the committee, and the committee will issue such process as in its judgment should be issued in the matter.

In regard to the testimony of Mr. Ramsey, who is now dead, the committee will use so much of his testimony as it determines upon. Of course we do not need to do that in open session, though.

The committee will now stand adjourned until to-morrow morning at 10 o'clock.

(Thereupon, at 4 o'clock and 30 minutes p. m., the subcommittee adjourned until to-morrow, Tuesday, October 31, 1911, at 10 o'clock a. m.)

TUESDAY, OCTOBER 31, 1911.

FEDERAL BUILDING,
MILWAUKEE, WIS.

The subcommittee met at 10 o'clock a. m.

Present: Senators Heyburn (chairman) and Pomerene.

Present also: Mr. C. E. Littlefield, Mr. W. E. Black, and Mr. H. H. J. Upham, counsel for Senator Isaac Stephenson.

TESTIMONY OF LAWRENCE MURPHY.

LAWRENCE MURPHY, being duly sworn, was examined and testified as follows:

The CHAIRMAN. Mr. Murphy, your name has been connected with the Stephenson campaign in this way: It is charged that you came to Mr. Pestalozzi, of this city, and made a proposition to him that he should abandon his political position and become a supporter of Senator Stephenson; that you made a statement to him that there would be lots of money in it, or something to that effect. Is that true?

Mr. MURPHY. Partially.

The CHAIRMAN. State the truth.

Mr. MURPHY. Mr. Frank Vandersee, of Green Bay, or who formerly lived at Green Bay, Wis., a very fine old gentleman, came to me, on account of my acquaintance with Mr. Pestalozzi, and told me that he had tried to have an interview with him, to interest him in the Stephenson campaign, but was unsuccessful in talking to him. He desired me to put the proposition up to him. The proposition was that Mr. Pestalozzi should organize the Italian voters in the State of Wisconsin—there being many of them at Hurley and other places in the northern part of the State—and that he would be paid for it. I talked over the matter with Mr. Pestalozzi, and Mr. Pestalozzi told me that he had been identified with the McGovern campaign to such an extent that he could not change his position without stultifying himself, and also that he did not think they would pay the necessary money for the required work.

The CHAIRMAN. Did you make him any offer with the intention of bribing him to support Senator Stephenson?

Mr. MURPHY. Not anything further than that.

The CHAIRMAN. I am asking you now for your intention. Did you make him any offer of money with the intention of bribing him to support Senator Stephenson?

Mr. MURPHY. The proposition was—

The CHAIRMAN. No; I will ask you to answer the question. I am speaking now of something in regard to your own actions, about which you must know. Did you make any offer of money to Mr. Pestalozzi for the purpose of bribing him to support Senator Stephenson?

Mr. MURPHY. No, sir.

The CHAIRMAN. You may now explain.

Mr. MURPHY. Nothing further than the talk that I had with him.

The CHAIRMAN. Do you interpret that talk as an offer to bribe him?

Mr. MURPHY. No, sir.

The CHAIRMAN. Did you have control of any funds with which to pay Mr. Pestalozzi for his adherence to Senator Stephenson?

Mr. MURPHY. Nothing but my own money, at that time.

The CHAIRMAN. Would you have paid it to him for that purpose?

Mr. MURPHY. I might have.

The CHAIRMAN. State whether you would or not.

Mr. MURPHY. I could not tell. We did not get that far.

The CHAIRMAN. Are we to understand that you did have in your mind some intention, had Mr. Pestalozzi acceded to your wish, of paying him money to support Senator Stephenson?

Mr. MURPHY. If he had entered into it, or shown a disposition to enter into the contract, I might have secured the money for him.

The CHAIRMAN. Would you have done it?

Mr. MURPHY. Would I have paid him my own money?

The CHAIRMAN. First, would you have paid him the money, regardless of where you got it?

Mr. MURPHY. I do not think so.

The CHAIRMAN. I am asking you as to what you would do. There is no other person on earth who can answer that question.

Mr. MURPHY. The contingency did not arise.

The CHAIRMAN. I am now assuming that he had agreed to support Senator Stephenson. Would you have paid him money for so doing?

Mr. MURPHY. No, sir.

The CHAIRMAN. Would you have undertaken to get somebody else to pay him money for supporting Senator Stephenson?

Mr. MURPHY. I would have submitted the proposition to the gentleman who asked me. I did this as a matter of accommodation to him.

The CHAIRMAN. You refer to Mr. Vandersee?

Mr. MURPHY. Yes.

The CHAIRMAN. You would have submitted the proposition to Mr. Vandersee?

Mr. MURPHY. Yes. It was purely an act of accommodation upon my part. I was uninterested in any way, being a Democrat.

The CHAIRMAN. Are we to understand that you would have submitted the proposition to Mr. Vandersee to pay money for the purpose of bribing Mr. Pestalozzi?

Mr. MURPHY. I would have submitted any proposition that Mr. Pestalozzi made.

The CHAIRMAN. Even though you knew it to be a bribe?

Mr. MURPHY. Absolutely not.

The CHAIRMAN. And you say that had you known or thought this would be a bribe you would not have submitted it to Mr. Vandersee?

Mr. MURPHY. If I were convinced that it was a bribe I certainly would not have done anything more with it.

The CHAIRMAN. When you went to Mr. Pestalozzi with this proposition did you understand that it was in the nature of a bribe?

Mr. MURPHY. It was in the nature of employing him in a particular piece of work which he was more specially adapted to carry out than any other man.

The CHAIRMAN. I want to know whether or not you considered it would be in the nature of a bribe?

Mr. MURPHY. Certainly not. It was giving him employment.

The CHAIRMAN. For services to be rendered?

Mr. MURPHY. Certainly.

The CHAIRMAN. It has been urged that this was an attempt to bribe Mr. Pestalozzi by or through you, or through Mr. Vandersee. Did you at any time so regard it?

Mr. MURPHY. I did not.

The CHAIRMAN. Would you now so regard it?

Mr. MURPHY. I do not.

The CHAIRMAN. That is all I desire to ask this witness.

Senator POMERENE. Mr. Murphy, are you a lawyer?

Mr. MURPHY. No.

Senator POMERENE. What is your business?

Mr. MURPHY. I am a broker.

Senator POMERENE. You were engaged in business here in the city during that campaign?

Mr. MURPHY. Yes.

Senator POMERENE. Do you remember the date when Mr. Vandersee called on Mr. Pestalozzi?

Mr. MURPHY. No; I do not know the date. It was some time previous to my calling upon him.

Senator POMERENE. How long before your call?

Mr. MURPHY. That I could not say.

Senator POMERENE. Was it a matter of several days?

Mr. MURPHY. Something of that kind.

Senator POMERENE. And you saw Mr. Pestalozzi in his store?

Mr. MURPHY. Yes. I am on the same floor that he was on.

Senator POMERENE. I wish you would give that conversation as you remember it to have occurred.

Mr. MURPHY. Do you refer to the conversation with Mr. Vandersee?

Senator POMERENE. No; the conversation between yourself and Mr. Pestalozzi.

Mr. MURPHY. I told Mr. Pestalozzi that it had been represented to me that it meant probably a month's work among the Italians, organizing them to support Senator Stephenson; that he would be paid pretty well for his services; and I asked him if that would be any inducement to give up his business for the time being. Of course there was some more talk there.

Senator POMERENE. Give it all.

Mr. MURPHY. It was talk of a political nature. Mr. Vandersee had shown me the literature of Mr. Stephenson, where he was in line with Mr. Pestalozzi's political views. Mr. Stephenson was in favor of taking the tariff off lumber, and of reforming the tariff by lowering it, and he had put out posters that he indorsed the theories of Roosevelt and La Follette, and so he could have no political objection to him as a candidate. Mr. Pestalozzi considered the proposition. Finally he concluded—

Senator POMERENE. What did he say?

Mr. MURPHY. He said some of the things I told him looked good to him, but that he had so far identified himself with the McGovern campaign, that he could not change his position without stultifying himself, and that he thought the organization of those Italians would be too expensive.

Senator POMERENE. What did you say to him that he could get by way of compensation? What offer did you make?

Mr. MURPHY. I did not make any offer. I think Mr. Vandersee had previously figured over the matter, and there was some talk about the actual cost of the matter being \$1,500 or \$2,000 for going among those people and spending the necessary time, organizing them, and everything of that kind.

Senator POMERENE. Was that for his own compensation?

Mr. MURPHY. That was for the expense.

Senator POMERENE. What was said with reference to the amount of compensation Mr. Pestalozzi was to receive?

Mr. MURPHY. I do not think there was any particular compensation taken up.

Senator POMERENE. Did you not mention some sum to him?

Mr. MURPHY. The sum that I mentioned was for the entire work.

Senator POMERENE. What sum did you mention?

Mr. MURPHY. I think it was something like \$1,500 or \$2,000; that is, what it would cost.

Senator POMERENE. Was that to include his compensation?

Mr. MURPHY. I so understood it.

Senator POMERENE. You understood, of course, from Mr. Vandersee that Mr. Pestalozzi was to be paid for his services?

Mr. MURPHY. Yes.

Senator POMERENE. Let us come now to the conversation with Mr. Vandersee. Tell us what that was. What was said between Mr. Vandersee and yourself.

Mr. MURPHY. Mr. Vandersee told me that if he could get Mr. Pestalozzi to enter into a contract of that kind——

Senator POMERENE. What kind?

Mr. MURPHY. Organizing the Italian vote in the State—that Mr. Pestalozzi would be pretty well paid for it.

Senator POMERENE. What else was said?

Mr. MURPHY. He said he had but little success in talking to Mr. Pestalozzi, and asked me if I would talk to him and see if he would consider the proposition.

Senator POMERENE. Was anything else said?

Mr. MURPHY. That was about all.

Senator POMERENE. Did not Mr. Vandersee tell you what amount he had offered Mr. Pestalozzi?

Mr. MURPHY. No.

Senator POMERENE. Did he not mention, in his talk with you, some figures of the amount he would turn over to Mr. Pestalozzi, either by way of compensation or by way of compensation and for disbursements?

Mr. MURPHY. There was an indefinite talk about \$1,500 or \$2,000; somewhere about there.

Senator POMERENE. Was it \$2,500?

Mr. MURPHY. I do not think that was mentioned. My recollection is that it was \$1,500 or \$2,000.

Senator POMERENE. You say "an indefinite talk." You are referring now to the talk between Mr. Vandersee and yourself?

Mr. MURPHY. Yes; but there was no absolute amount fixed. I took but little interest in it.

Senator POMERENE. You felt that you were simply authorized to go as a negotiator, and not to close up any contract? Is that the idea?

Mr. MURPHY. Yes. I was merely accommodating two very nice men.

Senator POMERENE. After you had had this talk with Mr. Vandersee, how soon did you see Mr. Pestalozzi?

Mr. MURPHY. It must have been a day or two; maybe the same day.

Senator POMERENE. In your talk with Mr. Pestalozzi did you not mention some amount that he could get?

Mr. MURPHY. We talked together. He knew where these Italians were, and how many of them there were, and how much it would cost to go among them and organize them. There was some talk about \$1,500 or \$2,000, as I remember it.

Senator POMERENE. I will ask you whether you did not propose to him that he should drop McGovern and go out and work for Stephenson, and cover the Italian vote over the State?

Mr. MURPHY. No; I did not say anything about dropping McGovern.

Senator POMERENE. Did you propose that he go out and work for Stephenson and cover the Italian vote over the State?

Mr. MURPHY. I put it in such a way that he could make me the proposition.

Senator POMERENE. And in that proposition did you not in substance say to him that he could have a piece of money, or that there was a good piece of money in it for him, from \$1,000 to \$2,500, if he would support Stephenson?

Mr. MURPHY. I did not use that term—"a piece of money."

Senator POMERENE. Use your own language.

Mr. MURPHY. I suggested that I thought a contract of that kind would pay him from \$1,500 to \$2,000.

Senator POMERENE. Would pay him that amount?

Mr. MURPHY. Would pay him, yes, for organizing those people. He had the list of them, or where they were. I did not know anything about them. There were so many here, and so many there, and so many somewhere else.

Senator POMERENE. How did Vandersee happen to come to you in this matter?

Mr. MURPHY. I have met him quite a good many times. I am pretty well acquainted with him.

Senator POMERENE. What is his business?

Mr. MURPHY. I do not know what he is doing now.

Senator POMERENE. Was he a personal friend of Senator Stephenson's?

Mr. MURPHY. Why, I think he formerly lived at Green Bay. I think he was some relative of this manager of Stephenson's. I can not recall his name.

Senator POMERENE. Mr. Edmunds?

Mr. MURPHY. Mr. Edmonds; yes. I understand they lived up there together. He was a very nice man. I did not ask how he became connected with it, or anything of the kind.

Senator POMERENE. I think that is all I care to inquire.

Mr. LITTLEFIELD. You say you did not ask him how he became connected with the Stephenson management. Did he tell you how he became connected with it?

Mr. MURPHY. No.

Mr. LITTLEFIELD. Did he claim to have any authority to act for the Stephenson management?

Mr. MURPHY. He intimidated it to me.

Mr. LITTLEFIELD. Did he state who gave him any authority?

Mr. MURPHY. He did not. I did not ask him.

Mr. LITTLEFIELD. Did he intimate who gave him any authority?

Mr. MURPHY. I never asked him.

Mr. LITTLEFIELD. And he gave the name of no person who authorized him to negotiate?

Mr. MURPHY. No. He used the word "we," and all that.

Mr. LITTLEFIELD. But he did not say who "we" covered?

Mr. MURPHY. No. I did not ask him. He was a very nice man, you know.

Mr. LITTLEFIELD. Yes. He simply said "we," and whom he meant by "we" you do not know?

Mr. MURPHY. No.

Mr. LITTLEFIELD. And he did not say?

Mr. MURPHY. No.

Mr. LITTLEFIELD. He did not at any time say?

Mr. MURPHY. No.

Mr. LITTLEFIELD. And whether he was acting solely on his own responsibility or on the responsibility of others, you are not able to state?

Mr. MURPHY. No.

Mr. LITTLEFIELD. You had no authority to act for anybody?

Mr. MURPHY. No.

Mr. LITTLEFIELD. You did not assume to act for the Stephenson managers?

Mr. MURPHY. Oh, no.

Mr. LITTLEFIELD. The only thing you had to do with it was to act as the go-between between this Mr. Vandersee and Mr. Pestalozzi?

Mr. MURPHY. Yes.

Mr. LITTLEFIELD. Is that right?

Mr. MURPHY. That is right; yes.

Mr. LITTLEFIELD. You never had any conference, either before or after this, with any of the Stephenson managers?

Mr. MURPHY. No.

Mr. LITTLEFIELD. You never had anything to do with any of them?

Mr. MURPHY. No.

Mr. LITTLEFIELD. You never handled any money in the campaign?

Mr. MURPHY. No.

Mr. LITTLEFIELD. You are a Democrat, are you?

Mr. MURPHY. I forget whether at that time I was a Socialist or a Democrat; but I was not a Republican.

Mr. LITTLEFIELD. You were not a Republican anyway?

Mr. MURPHY. No.

Mr. LITTLEFIELD. So you had no political interest in this?

Mr. MURPHY. No.

The CHAIRMAN. Is there any difference between a Socialist and a Democrat?

Mr. MURPHY. Well, there is very little difference between some Socialists and some Democrats.

The CHAIRMAN. How do you tell them apart?

Senator POMERENE. Some people do not have proper powers of discrimination.

Mr. LITTLEFIELD. If the committee desire, I will pursue that so that I will demonstrate clear down to hardpan with Mr. Murphy just exactly what he means. I will do that if the committee desire.

The CHAIRMAN. The committee will take care of that question.

Senator POMERENE. We will take judicial notice as to what a Democrat is, but we can not as to what a Republican is, in this day.

Mr. LITTLEFIELD. Yes; but when you come to qualify a Democrat by referring to him as "some Democrat," that may perhaps suggest a distinction of which you can not take judicial notice. Whether that is synonymous with a "near Democrat," of course I can not say.

Senator POMERENE. We do not recognize those terms.

Mr. LITTLEFIELD. No.

Did you know that Mr. Pestalozzi was identified with the McGovern campaign when you started to do this errand for Mr. Vandersee?

Mr. MURPHY. I did not know how far he was identified with it.

Mr. LITTLEFIELD. Did he state to you that he was in the employ of the McGovern people?

Mr. MURPHY. No.

Mr. LITTLEFIELD. Simply that he was identified with it?

Mr. MURPHY. That he was identified with the McGovern campaign.

Mr. LITTLEFIELD. That is all.

Senator POMERENE. Just one question further. You said Mr. Vandersee had intimated to you that he was connected with the Stephenson management. What did he say from which you drew that conclusion?

Mr. MURPHY. His words, do you mean?

Senator POMERENE. Yes

Mr. MURPHY. I can not remember his words. That was the impression I got, you know. He was a very nice old gentleman, and I did not go into any details. I did not care to. He looked to me to be a nice, candid, upright gentleman, and I let it go at that. I had not got to that bridge yet, you know, and did not cross it.

Mr. LITTLEFIELD. He did not say he had any authority from anybody?

Mr. MURPHY. He intimated that he knew what he was doing?

Mr. LITTLEFIELD. Yes; but you are not able to state from what he said, that he had any authority from anybody to act?

Mr. MURPHY. Why, whatever he said—I do not know what it was—gave the impression that he was vested with authority.

Mr. LITTLEFIELD. But you can not remember what he said. Where is this Mr. Vandersee now?

Mr. MURPHY. I do not know.

Mr. LITTLEFIELD. How long since you have known?

Mr. MURPHY. Two or three years, I guess.

Mr. LITTLEFIELD. Where was he then?

The CHAIRMAN. The committee is about finding out where he is.

Mr. LITTLEFIELD. That is all right, then. I did not know but that I could help the committee somewhat by getting the information from Mr. Murphy.

You say you have not known where he was for two or three years?

Mr. MURPHY. No.

Mr. LITTLEFIELD. Where was he when you last knew him? You said something about "Green Bay." I have not it fresh in my mind.

Mr. MURPHY. He originally or formerly lived at Green Bay. He told me he was raised or spent most of his lifetime in the city of Rochester, and I believe was quite a wealthy man, and he came west and invested in the boom real estate at Duluth and got the worst of it, and lived at Green Bay with some of his relatives there for some time; and then he came here and lived here for a few years, and then went east somewhere. Whether it was to Washington or some other place, I can not recall.

Mr. LITTLEFIELD. How old a man was he?

Mr. MURPHY. I think he told me he was 58 years old.

Mr. LITTLEFIELD. All right. That is all.

TESTIMONY OF H. H. J. UPHAM.

H. H. J. UPHAM, being duly sworn, was examined and testified as follows:

The CHAIRMAN. State your residence and occupation.

Mr. UPHAM. I live in the city of Milwaukee. I am an attorney at law.

The CHAIRMAN. Are you a member of a firm?

Mr. UPHAM. I am a member of the firm of Cary, Upham & Black.

The CHAIRMAN. Were you in the years 1908 and 1909 a member of the same firm?

Mr. UPHAM. Yes, sir.

The CHAIRMAN. The title has not changed?

Mr. UPHAM. No; except that in 1908 the firm was known more as Cary, Upham & Black and E. M. Hyzer.

The CHAIRMAN. Mr. Hyzer was a member of your firm?

Mr. UPHAM. Yes, sir; at that time.

The CHAIRMAN. A man who was at that time a member of the legislature?

Mr. UPHAM. No. He has never been in the legislature.

The CHAIRMAN. He never was?

Mr. UPHAM. No. Mr. Hyzer left our firm to take Mr. Bowers's place. When Mr. Bowers was appointed solicitor general Mr. Hyzer took his place.

The CHAIRMAN. I know about that. I did not know whether or not he had been a member of the legislature, and I wanted to ascertain that.

Mr. UPHAM. Not to my knowledge. I do not know whether he ever was or not.

Mr. LITTLEFIELD. Is that Mr. Hyzer?

The CHAIRMAN. Yes. I wanted to ascertain whether or not he was at any time a member of the legislature.

Mr. UPHAM. I do not know his past history, but I never heard him mentioned as being a member of the legislature. But he might have been.

The CHAIRMAN. Did he appear before the legislative committee of the State in any capacity?

Mr. UPHAM. He did. He appeared before the legislative committee as one of the attorneys for Senator Stephenson.

The CHAIRMAN. He is the Mr. Hyzer referred to in the report of the proceedings of that committee, is he?

Mr. UPHAM. Yes, sir.

The CHAIRMAN. Was he at that time a member of your firm?

Mr. UPHAM. Yes, sir.

The CHAIRMAN. And as such he appeared before the committee?

Mr. UPHAM. Yes, sir.

The CHAIRMAN. So that your firm, of which you are a member, did appear before the committee at the time of the investigation by the joint committee of the legislature?

Mr. UPHAM. Yes, sir.

Mr. BLACK. I think the appearance on the record was "E. M. Hyzer and W. E. Black."

The CHAIRMAN. It is just to straighten that out that I am asking these questions. I want to find out whether it was the firm that appeared or Mr. Hyzer individually. I wanted to find out his connection with the firm at that time.

Mr. UPHAM. He was a member of the firm.

Mr. LITTLEFIELD. Mr. Black was also?

Mr. UPHAM. Yes, sir.

The CHAIRMAN. Did he appear on behalf of the firm or individually?

Mr. UPHAM. Why I should say it was on behalf of the firm.

The CHAIRMAN. State what you had to do with regard to making up Senator Stephenson's campaign expense account in 1909.

Mr. UPHAM. What I had to do and undertook was to get together the sum total of the funds that Senator Stephenson parted with.

The CHAIRMAN. Did you have to do with the inspection of and passing upon of the items making up the account?

Mr. UPHAM. I did. I took that upon myself. I found that some checks had been given to Mr. Puelicher, I think some to Edmonds, and some to different parties, and I could not get as clear an understanding as I would like. So I tried to get from all sources that I knew any funds that Senator Stephenson parted with, and I asked him personally what funds he had parted with. He gave me information in regard to, I think, Mr. Reynolds and another man, Greenwood, or some others—one or two others, I think. I went up to Marinette, the home of Senator Stephenson. I saw Miss Stringham there, and with her I got his check books and went through them. I think I went through his letter book, and asked her all the sources, and went through some of his private books. I saw Mr. Harry Brown, the cashier of the bank, and got some items from him, because I found he was collecting rents for Senator Stephenson and had taken some money out of the rents to give Mr. Van Cleve. I got these items all together and brought the memorandum back to Milwaukee; and a list was made, which, footed up, showed that Senator Stephenson had parted with \$111,385.49, I think. I have that here [consulting memorandum], \$111,385.49.

The CHAIRMAN. He had parted with that much money on all accounts in connection with the campaign?

Mr. UPHAM. On all accounts that I could find.

The CHAIRMAN. This was the primary campaign, was it?

Mr. UPHAM. Yes, sir; that was the primary.

The CHAIRMAN. Did you include in that money that he had parted with in connection with the regular campaign, after the nomination?

Mr. UPHAM. I think not. No; I think not. This was the primary.

The CHAIRMAN. You did not include the \$2,500 or \$2,000 that he contributed to the State central committee?

Mr. UPHAM. No; I am very sure I did not.

The CHAIRMAN. Did you have memoranda of these items making up the sum with which Senator Stephenson had parted?

Mr. UPHAM. I made memoranda in pencil or ink—I do not remember now the details.

The CHAIRMAN. But what I want to get at is, did you have as a basis of your memoranda other memoranda?

Mr. UPHAM. No, sir; I had nothing except——

The CHAIRMAN. Just tell us what you had. You can realize that that is rather important.

Mr. UPHAM. Yes. Before I went up there, Senator Stephenson was in Milwaukee—that is my recollection—and I saw him there. That was the first information I had from him to the effect that he had paid some money to a man named Reynolds and some to another man.

The CHAIRMAN. Greenwood?

Mr. UPHAM. Greenwood, or some such name as that; and there were one or two of the employees of one of the companies—the N. Ludington Co., I think—that handled some money. I found the amount that had been paid them had been charged upon the books of the N. Ludington Co. I got that from there.

The CHAIRMAN. Can you tell the committee how much money you found Senator Stephenson had personally parted with during that campaign?

Mr. UPHAM. I can by referring to a copy of my memorandum.

The CHAIRMAN. Refer to your memorandum.

Mr. UPHAM. The sums that he had paid personally, confining it down to that, as far as I know, were as follows: T. Reynolds, \$180; Greenwood, \$125. The sum paid to Fred Hutchinson was \$25.

The CHAIRMAN. Before giving those amounts, let us know who he is, so that we may have the information all together.

Mr. UPHAM. He is one of the lumbermen or workmen there, an employee more or less in connection with the N. Ludington Co.

The CHAIRMAN. Is he a clerk of Senator Stephenson's?

Mr. UPHAM. No; I would not call him a clerk. He is a cruiser. He works out in the woods.

The CHAIRMAN. Oh, I see. He was out at his regular business, then, in expending money for the Senator?

Mr. UPHAM. Oh, yes. He was a woodsman, a workman.

The CHAIRMAN. Now we know who he is. Let us know what he spent.

Mr. UPHAM. \$25.

Senator POMERENE. Who was that?

Mr. UPHAM. Fred Hutchinson.

The CHAIRMAN. Who paid that—Mr. Stephenson?

Mr. UPHAM. That was paid by the N. Ludington Co., and charged on the books of the N. Ludington Co.——

Senator POMERENE. I do not get that name.

Mr. UPHAM. The N. Ludington Co. It is a rather peculiar name. Senator POMERENE. Yes; I see. Thank you.

Mr. UPHAM. And it was charged on the books of the corporation to Senator Stephenson's personal account.

The CHAIRMAN. I see.

Mr. UPHAM. The same to D. J. McAllister. That was \$110.50. That was paid by the N. Ludington Co., and charged upon its books to the account of Senator Stephenson. Then I found that H. J. Brown had taken \$792.75 out of the rents that he collected for Senator Stephenson, and had paid it to J. A. Van Cleve.

The CHAIRMAN. Had he charged that to Senator Stephenson?

Mr. UPHAM. He charged it; he deducted it from the rents. He collected the rents.

The CHAIRMAN. Did Senator Stephenson go over those items with you and admit them as part of the primary expenditure?

Mr. UPHAM. He did when he came back; yes. He knew something about them.

The CHAIRMAN. Are there any other items chargeable to Senator Stephenson directly?

Mr. UPHAM. No. I think all the others are checks drawn on his check books.

The CHAIRMAN. By him?

Mr. UPHAM. By him.

The CHAIRMAN. Give us those. We may pause at the different items.

Mr. UPHAM. I say, they are drawn on his check books, and I take it for granted they are signed by him.

The CHAIRMAN. Did you take them from the stubs of his check books?

Mr. UPHAM. I think I had the checks.

The CHAIRMAN. You had the checks?

Mr. UPHAM. I think I had the checks also—the stubs and the checks.

The CHAIRMAN. There is no controversy, I think, as to the genuineness of the checks?

Mr. UPHAM. Oh, no; there is no question about that.

The CHAIRMAN. Then you may give us the list, giving the dates and all the data you have in regard to them.

Mr. UPHAM.

1908, June 28: Check to J. A. Van Cleve, on the Stephenson National Bank, \$2,000.

The CHAIRMAN. Was there anything to indicate for what that was given?

Mr. UPHAM. At this time I can not recall what was on the stub; but from what information Miss Stringham gave me and what I was able to get elsewhere, I decided that must be campaign expenditure.

The CHAIRMAN. Go ahead.

Mr UPHAM.

July 6: Check to J. A. Van Cleve, on Marshall & Isley's Bank, \$10,000.

July 18: Check to E. A. Edmonds, Stephenson National Bank, \$5,000.

July 18: Check to Eagle Printing Co., Stephenson National Bank, \$16.

July 30: Check to J. H. Puelicher, Marshall & Isley's Bank, \$10,000.

August 7: Check to J. H. Puelicher, Marshall & Isley's Bank, \$30,000.

August 8: Check to J. A. McLean, Corn Exchange Bank, \$20.

August 17: Check to H. L. Peterson, Stephenson National Bank, \$150.

August 20: Check to J. A. Van Cleve, Corn Exchange Bank, \$15,000.

August 24: Check to J. A. Van Cleve, Corn Exchange Bank, \$10,000.
 August 27: Check to Rodney Sacket, Corn Exchange Bank, \$5,000.
 August 31: Check to J. A. Van Cleve, Corn Exchange Bank, \$2,000.
 September 3: Check to J. A. Van Cleve, Corn Exchange Bank, \$13,500.
 September 3: Check to H. Stronach, Stephenson National Bank, \$26.
 September 14: Check to A. H. Settersten, Stephenson National Bank, \$26.10.
 September 26: Check to Eagle Printing Co., Stephenson National Bank, \$13.50.
 October 10: Check to J. H. Puelicher, Stephenson National Bank, \$3,700.
 October 29: Check to Walter Alexander, Corn Exchange Bank, \$588.30.
 November 7: Check to J. W. Howey, Corn Exchange Bank, \$100.
 November 7: Check to J. Earl Morgan, Stephenson National Bank, \$2,550.
 November 20: Check to J. H. Puelicher, Stephenson National Bank, \$200.
 November 21: Check to L. S. Patrick, Stephenson National Bank, \$190.99.
 November 28: Check to J. A. Van Cleve, Stephenson National Bank, \$71.35.

Then follow those other cash items.

The CHAIRMAN. That is all of the money Senator Stephenson had paid out in connection with his campaign, as given to you? Did you go over those items with Senator Stephenson, and did he approve them?

Mr. UPHAM. Yes, when I came back; yes, sir.

The CHAIRMAN. In connection with your testimony, having now in concrete form the moneys furnished, I want to incorporate into the record Exhibits 47 and 49, if you came in contact with those and examined them. Did you come in contact with Exhibit 47, which was a statement furnished by Mr. Sacket?

Mr. UPHAM. No, sir.

The CHAIRMAN. I think you testified on the former hearing that Mr. Sacket and Mr. Edmonds each produced statements and that you went over them.

Mr. UPHAM. I do not think I ever went over them. I may have seen them.

The CHAIRMAN. I may possibly put too strong a construction on this. I read from page 277; this is your testimony:

A. The account, giving the total \$113,000 and some odd—or \$111,000 and some odd, I can't tell exactly—was given to me by Mr. Sacket with the help of others, and Mr. Edmonds, and Mr. Puelicher—those three. That was the total given to me. I was not willing to have Senator Stephenson sign that without I had personally verified it, for the reason that I have been his confidential attorney for 10 or 15 years or more past, and I wanted to see the exact evidences that made up this \$111,000 and odd amount. I demanded from Mr. Puelicher what he did. My recollection is he gave me three checks, etc.

Then you speak of your investigation. These exhibits, 47 and 49—

Mr. LITTLEFIELD. I think Exhibit 49 is already in the record, Mr. Chairman.

The CHAIRMAN. It is in by a detailed examination as to the items, but I think—

Mr. LITTLEFIELD. Not in a lump?

The CHAIRMAN. I think it nowhere appears in concrete form; and I desire, in connection with the money paid in, to show the money paid out.

Mr. LITTLEFIELD. You may be right about that.

The CHAIRMAN. I have reserved it until this time because of this testimony in the record.

(It being ascertained that Exhibit 49 had been copied in full into the record of Thursday, Oct. 5, the chairman stated that it would not be necessary to again incorporate it in the record.)

The CHAIRMAN. We will give a little attention to the matter at this time.

Mr. UPHAM. Do you want me to answer?

The CHAIRMAN. No; just wait until I get the account, the amounts, etc. Are you familiar with Exhibit 47, which came in in connection with Mr. Sacket's testimony, in which he gave items that lacked definiteness, and which were afterwards made more definite in Exhibit 49?

Mr. UPHAM. No; I do not think I am. I may have seen it, but I never examined it.

The CHAIRMAN. I assume from what you testified that Exhibit 49 is the result of your criticism of Exhibit 47.

Mr. UPHAM. No, sir; I think not. I do not think I had anything to do with Exhibit 49, and I do not think I had anything to do with Exhibit 47. Mr. Sacket and Mr. Puelicher——

The CHAIRMAN. Where is the statement, then, that they gave you?

Mr. UPHAM. They may have given me the sum totals, and they may have had this exhibit in their hands—I mean 47. They may have said they had it, but they gave me, as what they had from Senator Stephenson, something like \$111,000 or \$113,000—I do not know which—\$111,000, I suppose, or something like that, they had figured. I wanted to see how they got it, and I found it was complicated; so I started out of my own accord to get the sources from which Senator Stephenson parted with his money; and I got that.

The CHAIRMAN. You did? Where did you get it?

Mr. UPHAM. I asked Senator Stephenson what he had paid out; and then I went up to his office at Marinette, where his private books were, to find out what I could there, and the paper that I have read is the result of my investigations.

The CHAIRMAN. That is what Senator Stephenson had paid out to different persons?

Mr. UPHAM. Yes, sir.

The CHAIRMAN. What did you have in the way of data to determine the sums that had been paid out on his account by his representatives?

Mr. UPHAM. By Mr. Sacket and Mr. Edmonds? I had nothing to do with that.

The CHAIRMAN. Did you never pass on those items?

Mr. UPHAM. No; I never had anything to do with them.

The CHAIRMAN. Did you take the position that Senator Stephenson might comply with the law by stating the persons to whom he paid the money, without following it up in their hands?

Mr. UPHAM. I did not think I was called upon to pass upon that at that time. All I was anxious to get was what the Senator had actually parted with. With the keeping of the books by Mr. Sacket and Mr. Edmonds and the others I had nothing whatever to do.

The CHAIRMAN. You did not pass on that?

Mr. UPHAM. No, sir.

The CHAIRMAN. You passed upon nothing except the money that was paid out by Senator Stephenson?

Mr. UPHAM. That is all.

The CHAIRMAN. To these men?

Mr. UPHAM. That is all.

The CHAIRMAN. And you did not follow it beyond that?

Mr. UPHAM. No, sir.

The CHAIRMAN. Were you of the opinion, and did you so advise, that that was a compliance with the law of the State of Wisconsin?

Mr. UPHAM. No; I never advised that—never passed upon it.

The CHAIRMAN. You have said here that you are Senator Stephenson's general attorney.

Mr. UPHAM. I am; yes, sir.

The CHAIRMAN. You did advise him about matters?

Mr. UPHAM. Yes.

The CHAIRMAN. Do you know who did advise him as to the validity of the expenditures that had been made in his behalf?

Mr. UPHAM. As to their validity? I do not think anybody passed upon that. He paid out the money to these men.

The CHAIRMAN. I think I see your position in the matter, but I want to know whether anything else was true?

Mr. UPHAM. I did not know that. Its validity was never put up to any person, any more than everybody knew that he had managers, and they were reputable managers, and that they were paid money with which to handle the campaign. There was no question about the validity of Senator Stephenson making a payment to his managers.

The CHAIRMAN. I see your point. The question is not whether he was obliged to, but whether he did, through you or under your supervision, follow the moneys any farther than the first payment.

Mr. UPHAM. Not through me.

The CHAIRMAN. Do you know whether he did through anyone?

Mr. UPHAM. No; I could not say. I think he depended upon Mr. Sacket and Mr. Edmonds and his managers.

The CHAIRMAN. I will not at this time or at this place put in any of these statements. I had probably placed too comprehensive a meaning upon this testimony of yours of which I have read a part. You say these three men—Mr. Sacket, Mr. Edmonds, and Mr. Puelicher—met you there with these accounts?

Mr. UPHAM. I met them; yes, sir.

The CHAIRMAN. Was that only for the purpose of accounting for the money that they received, according to your statement, to establish the amount that Senator Stephenson paid them, regardless of what they did with it?

Mr. UPHAM. That was all.

The CHAIRMAN. I construed your language as being more comprehensive, and as including an investigation not only of the money that was paid to them but of the money which they paid out.

Mr. UPHAM. No; I never was consulted about any money that they paid out.

The CHAIRMAN. You say in your testimony in the prior investigation that you were not willing to have Senator Stephenson "sign that." You refer there to the account giving a total of one hundred and eleven thousand and some odd dollars, or one hundred and thirteen thousand and some odd dollars. You say you can not tell exactly, but it was the amount that was given to you by those three men—Sacket, Edmonds, and Puelicher. That was not a statement of what they had done with the money?

Mr. UPHAM. No; but of what they had received; and I did not see exactly how they had received it. It was a little complicated, and I

thought the only way I could get at it was to go to Senator Stephenson's books.

The CHAIRMAN. You had seen them before you went to his books?

Mr. UPHAM. Yes; certainly. This is the result of my investigation. This was only a few days before the account was sworn to.

The CHAIRMAN. And that was the basis of the account as sworn to. We will now turn to that account. It is in the record of the joint committee proceedings, at page 88 and page 89, and is marked Exhibit 25, and seems to be the affidavit of Isaac Stephenson. These items total \$107,793.05. That is the statement that you have made.

Mr. UPHAM. I had nothing to do with the \$107,793.05. That is, I did not fill in that amount. I did not have anything to do with that.

The CHAIRMAN. Does this differ from your statement?

Mr. UPHAM. You spoke of one hundred and seven thousand and odd.

The CHAIRMAN. Yes.

Mr. UPHAM. That shows what Mr. Sacket and the others disbursed. I say I had nothing to do with that. The only part I had to do with was that first item of \$111,000.

The CHAIRMAN. Do you mean to say that you did not visé this statement to which he actually swore, or in any way dictate it or draw it up?

Mr. UPHAM. I saw it, but I did not revise it or prepare it. I saw the figures, and the part in which I was especially interested was the first item. I saw it, and I think I went and got the notary at the time he made the affidavit.

The CHAIRMAN. This statement will be incorporated into the record at this point in connection with this testimony. It appears on page 88 and page 89 of the record of the joint committee, and it will be known as Exhibit 1 in connection with the testimony of Mr. Upham.

(The statement referred to by the chairman is as follows:)

STATEMENT OF ELECTION EXPENSES.

Statement of Isaac Stephenson, a candidate for the nomination for the office of United States Senator from Wisconsin, at the primary election held on the 1st day of September, 1908:

1. Total amount placed in the hands of E. A. Edmonds, J. H. Puelicher, J. A. Van Cleve, Rodney Sacket, H. J. Brown, and others.....	\$111,385.49
2. Of the above amount, the following have been reported to me as expended:	
To L. Breithaupt Printing Co., Mandel Engraving Co., Whitehead & Hoag, Keystone Printing Co., Vandecamp & Larberter, and others, for printing sample ballots, lithographs, circulars, and other stationery, etc.....	7,347.69
To paid for postage stamps.....	11,339.00
To C. M. Hambright, John C. Miller, E. H. McMahon, E. J. Rogers, U. C. Keller, and others, for services rendered in organizing outside Milwaukee County.....	53,729.56
To traveling expenses, contributions to associations, cigars, etc.....	1,420.63
To paid Koch Advertising Agency and others for newspaper advertising.....	16,485.24
To W. R. Kuell, expenses incurred in organizing Milwaukee County, exclusive of items not otherwise accounted for, but including organization on primary day.....	8,417.36
Getting signatures to nomination papers.....	225.06
For office rent, expenses, including employees' wages.....	4,070.76
Posting and distributing lithographs.....	834.00
Telephone, telegraph, and express charges.....	735.10
Advertising, printing, etc., covering bills received after September 15..	3,188.65
Total.....	107,793.05

STATE OF WISCONSIN,

Milwaukee County, ss:

Isaac Stephenson, being first duly sworn, on oath says: That the amount placed in the hands of E. A. Edmonds, J. H. Puelicher, J. A. Van Cleve, Rodney Sacket, H. J. Brown, and others, as set forth in paragraph 1 of the foregoing statement, is true and correct, to the best of affiant's knowledge and belief.

That of said amount there have been reported to affiant expenditures as set forth in paragraph 2 of the foregoing statement.

ISAAC STEPHENSON.

Subscribed and sworn to before me this 8th day of February, 1909.

[SEAL.]

WM. KAUMHEIMER,
Notary Public for Wisconsin.

My commission expires March 7, 1909.

STATE OF WISCONSIN,

Department of State, ss:

Received and filed this 11th day of February, A. D. 1909.

A. T. TORGE,
Assistant Secretary of State.

The CHAIRMAN. The additional items would seem to leave a credit between the amount expended and the amount furnished.

Mr. UPHAM. Yes; he furnished more money than they accounted for.

The Chairman. He furnished \$111,385.49, and they accounted for \$107,793.05.

Mr. UPHAM. Yes.

The CHAIRMAN. And that was the statement that was sworn to by Senator Stephenson. Were you present when Senator Stephenson made an affidavit to that statement?

Mr. UPHAM. I think I was; yes, sir.

The CHAIRMAN. It appears to have been made before William Kaumheimer, a notary public for the State of Wisconsin.

Mr. UPHAM. Yes; I got the notary.

The CHAIRMAN. Is he a resident of the city of Milwaukee?

Mr. UPHAM. Yes.

The CHAIRMAN. The affidavit was made on the 8th day of February, 1909, and was received in the department of state of Wisconsin and filed on the 11th day of February, 1909. I read that for the record in order that it may save trouble in hunting up the dates.

Was this statement which we have put into the record in connection with your testimony made with your approval, and in your opinion was it a compliance with the laws of the State of Wisconsin?

Mr. UPHAM. Shall I answer that in my own way?

The CHAIRMAN. Yes. I have your testimony before me, it appearing on page 289; but I want you to state it now.

Mr. UPHAM. As strictly construed, I do not think this statement would comply with the laws of the State of Wisconsin, but it complied with the practice that seemed to have grown up among the candidates in filing returns.

The CHAIRMAN. Wherein would it not comply with the law?

Mr. UPHAM. The form of the affidavit is not quite as comprehensive as the statute requires, and the time and date, or the date and the amounts and the names, are not as full as the law, technically construed, would require.

The CHAIRMAN. This seems to be confined to the expenses at a primary election. The beginning of the statement is:

Statement of Isaac Stephenson, a candidate for the nomination for the office of United States Senator from Wisconsin, at the primary election held on the 1st day of September, 1908.

This was not intended to include any expenses after the primary?

Mr. UPHAM. No, sir.

The CHAIRMAN. And it was an attempt to comply with the law of the State of Wisconsin relative to the filing of expense accounts incurred at the primary?

Mr. UPHAM. At the primary; yes, sir.

The CHAIRMAN. And not at the general election?

Mr. UPHAM. Not at the general election.

The CHAIRMAN. So that it is not open to any criticism based upon expenditures made after the primary?

Mr. UPHAM. No, sir. Perhaps we ought to say "expenses incurred." There were some that were paid out after the primary; I think some of these checks that I have read are dated afterward.

The CHAIRMAN. That is obvious, but this says at the primary election. In the affidavit you state:

Isaac Stephenson, being first duly sworn, on oath says, that the amount placed in the hands of E. A. Edmonds, J. H. Puelicher, J. A. Van Cleve, Rodney Sacket, H. J. Brown, and others, as set forth in paragraph 1 of the foregoing statement, is true and correct, to the best of affiant's knowledge and belief.

That of said amount there have been reported to affiant expenditures as set forth in paragraph 2 of the foregoing statement.

The statement is in two items, one item being the total amount which is stated to have flowed from him in all directions, and the second item being the one referred to in the last paragraph of the affidavit, under the words:

That of said amount there have been reported to affiant expenditures as set forth in paragraph 2 of the foregoing statement.

The first classification is thus placed on his own knowledge, and the second on information.

Mr. UPHAM. Yes.

The CHAIRMAN. That was done under your direction, was it?

Mr. UPHAM. I would not say that it was done under my direction, because I did not prepare it. It was done under my approval. I approved it.

The CHAIRMAN. It was submitted to you for approval?

Mr. UPHAM. Yes; I saw it, and I approved it.

The CHAIRMAN. Do you think that is in accordance with the law of the State of Wisconsin?

Mr. UPHAM. As technically construed, I would not think so, with the best information that I have; but it was in accordance with the practice of candidates filing returns up to that time.

The CHAIRMAN. Did you have Mr. Edmonds, Mr. Puelicher, Mr. Van Cleve, Mr. Sacket, or Mr. Brown make any statements in support of the second paragraph?

Mr. UPHAM. To me?

The CHAIRMAN. To Senator Stephenson, under your supervision.

Mr. UPHAM. I do not know. They had papers and accounts. I never examined them. They put in these accounts, and were responsible for the amounts they reported.

The CHAIRMAN. But it does not appear as to which of these items Mr. Edmonds, Mr. Puelicher, Mr. Van Cleve, Mr. Sacket, or Mr. Brown reported.

Mr. UPHAM. No, sir.

The CHAIRMAN. It would have been better form to have indicated the items reported by each of those men, would it not?

Mr. UPHAM. Yes; it would have been better for each one to have stood upon his own basis.

The CHAIRMAN. As a disburser?

Mr. UPHAM. As a disburser. But that does not seem to have been the practice up to that time.

The CHAIRMAN. I think the committee will relax the rule somewhat, and ask you, without going into personal matters with other candidates, to give us as a lawyer what the practice was in regard to that, and upon what your statement is based. That is, state whether or not it is from an examination of statements that had been filed. If so, I will ask you to state the period over which that examination extended, and the character of it.

Mr. UPHAM. I might preface that by saying that this is the first statement of a candidate that I can recall that I was ever called upon to pass upon or to have anything to do with; but in the course of living in the city of Milwaukee, being interested in public affairs, I have from time to time seen statements published by candidates, not only by those who were candidates for United States Senatorship, but those who were candidates for judge of the supreme court, and I think others. My knowledge of those statements was derived largely from what was published in the newspapers. They were published pretty fully in the newspapers. The practice seemed to have grown up of accounting for the moneys in general funds, naming 4 or 5 people, and others, in an amount, say, of \$3,000 or \$2,000, and for organizing and for work and for printing.

The CHAIRMAN. Was "organizing" recognized as a sufficient designation for the payment?

Mr. UPHAM. It was used by candidates. I know that. Also for maintaining headquarters, so much—say, \$500—and for clerk hire a certain lump sum. Things were lumped in that way without giving dates and without giving names and the amounts separately.

Mr. LITTLEFIELD. And the purposes for which used?

Mr. UPHAM. And the purposes; yes.

The CHAIRMAN. Who filed this statement with the secretary of State?

Mr. UPHAM. I am not quite sure; but my recollection at the present time is that after Senator Stephenson signed it, it was placed in my hands; and although I am not sure, I think I mailed it to Mr. Edmonds or somebody else at Madison, with instructions to have it there filed. I do not know exactly, but I think that is where I parted with it.

The CHAIRMAN. It was sworn to on the 5th of February. You held it until about what time?

Mr. UPHAM. I would say now that I mailed it almost immediately.

The CHAIRMAN. It was filed on the 11th, so that there is not much of an interval.

Mr. UPHAM. I think I mailed it to somebody at Madison; but I do not recall upon what contingency he was to file it—whether he was to file it on a particular date, or upon some other date. My chief anxiety at that time, I might say, was caused by the fact that I was besieged by newspaper reporters who wanted to get the statement.

The CHAIRMAN. You contented yourself with the general information as to the practice, which information you gathered from newspapers, did you—or did you go to the secretary of State and ascertain what had been the custom?

Mr. UPHAM. I did not go to the secretary of State, but I had copies of some of these accounts.

Mr. LITTLEFIELD. Do you mean returns?

Mr. UPHAM. Returns that were filed by other candidates.

The CHAIRMAN. Filed by whom?

Mr. UPHAM. I might say the other senatorial candidates. I think they all filed their returns or accounts within 30 days after the primary.

Senator POMERENE. What do you mean by "returns"?

The CHAIRMAN. I think "accounts" is the better term.

Mr. UPHAM. Their accounts of expenses. They are to be filed within 30 days after the election.

The CHAIRMAN. So you had the benefit of an examination of those accounts?

Mr. UPHAM. Yes, there was a dispute among lawyers as to the date when a candidate for the United States Senate should file his accounts. Some stated 30 days after the primary election, and others 30 days after the actual election, which would be after the candidate was elected by the legislature.

The CHAIRMAN. I will ask you to pause a moment there until we put into the record a direct reference to the law which requires the filing of this return or account.

Senator POMERENE. That is section 4543-c, and is to be found on page 179 of the volume entitled: "Election Laws of the State of Wisconsin."

The CHAIRMAN. I will hand that to the witness, and ask him to say whether that is the law he had in mind in making this account?

Mr. UPHAM [after examination]. That is the law—section 4543-c.

The CHAIRMAN. What account had you examined as a basis of your action?

Mr. UPHAM. I had seen a large portion of Mr. Hatton's account, and I think also Mr. Cook's account.

The CHAIRMAN. Where had you seen them?

Mr. UPHAM. Also Mr. McGovern's. I had seen them in the newspapers, and I had copies of some.

The CHAIRMAN. Where did you get the copies?

Mr. UPHAM. I do not know that I can tell you where I got them.

The CHAIRMAN. They were copies?

Mr. UPHAM. Yes.

The CHAIRMAN. I wish you would state who those men were, and for what they were candidates.

Mr. UPHAM. Mr. Cook and Mr. Hatton and Mr. McGovern were rival candidates of Senator Stephenson for the nomination for the United States Senatorship, at the September primary; and those three gentlemen filed their accounts within 30 days after the primary.

The CHAIRMAN. I will read that section of the statute into the record. You refer to section 4543-c?

Mr. UPHAM. Yes.

The CHAIRMAN. It reads as follows:

Every person who shall be a candidate before any convention or at any primary or election to fill an office for which a nomination paper or certificate of nomination may be filed, shall, within 30 days after the election held to fill such office, make out and file with the officer empowered by law to issue the certificate of election to such office or place a statement in writing, subscribed and sworn to by such candidate, setting forth in detail each item in excess of \$5 in money or property contributed, disbursed, expended, or promised by him, and to the best of his knowledge and belief, by any other person or persons for him or in his behalf, wholly or in part, in endeavoring to secure or in any way in connection with his nomination or election to such office or place, or in connection with the election of any other person at said election, the dates when, and the persons to whom, and the purpose for which all said sums were paid, expended or promised, and the total aggregate sum paid, expended, or promised by such candidate in any sum or sums whatever. Such statement shall also set forth that the same is as full and explicit as affiant is able to make it. An exact duplicate of such statement shall in like manner and within the same time be filed with the register of deeds for the county in which such candidate resides. Any person failing to comply with this section shall be punished by a fine of not less than \$25 or more than \$500.

That is the section pursuant to which the account was filed?

Mr. UPHAM. Yes.

The CHAIRMAN. That section does not on its face deal with the tenure of office, or the right to the office.

Mr. UPHAM. No.

The CHAIRMAN. It is merely a penal statute.

Mr. UPHAM. I do not know just what you mean by the word "penal" in that respect. It is a statute directing the candidate to do this or pay a certain fine.

The CHAIRMAN. There is no forfeiture clause?

Mr. UPHAM. No forfeiture clause. It is merely a moral question with the candidate as to whether he will file it or not.

Senator POMERENE. It is more than a moral question, is it not? It is a legal requirement.

Mr. UPHAM. Yes; it is a legal requirement, but his right to hold the office does not depend upon it.

The CHAIRMAN. I wanted to identify the law with your act. That is a matter for subsequent consideration. Do you know this man Mr. Vandersee who was spoken of this morning by the witness Murphy?

Mr. UPHAM. I do not think I ever heard of him. I know that I do not know the man. I can not place him.

Senator POMERENE. Did you dictate the form of this account?

Mr. UPHAM. No, sir.

Senator POMERENE. Or advise with respect to it?

Mr. UPHAM. I saw it afterwards, and approved of it.

Senator POMERENE. Did you dictate the form of the affidavit?

Mr. UPHAM. No, sir.

Senator POMERENE. Who did that?

Mr. UPHAM. I think Mr. Hyzer, my partner, did that.

Senator POMERENE. Did you examine the statute at the time you were approving this account?

Mr. UPHAM. I knew it; yes, sir.

Senator POMERENE. You were trying to conform to the practice which had obtained rather than to conform to the statute?

Mr. UPHAM. We wanted to conform to the practice, as the other candidates had done, and did not want to put in any statement that was not strictly true so far as Senator Stephenson was concerned.

Senator POMERENE. Of course, you see that this does not state the purpose for which these amounts were expended.

Mr. UPHAM. I see that. It does not.

Senator POMERENE. It does not give an itemized statement as the statute requires.

Mr. UPHAM. It does not.

Senator POMERENE. You have said that there was a difference of opinion among lawyers as to when the statement should be filed, some contending that it should be within 30 days after the primary and others that it should be filed within 30 days after the election, as I understand it.

Mr. UPHAM. Yes.

Senator POMERENE. When it was discovered that the other candidates had filed their accounts within 30 days after the primary, why was not the practice conformed to in that respect?

Mr. UPHAM. We examined the law and it was my own motion that they had filed their accounts prematurely; and I think the letter received from the attorney general of the State of Wisconsin coincided with that view.

Mr. LITTLEFIELD. Mr. Chairman, may it appear here that that letter was in response to a letter from Senator Stephenson?

Senator POMERENE. That has been introduced in evidence and is already in the record.

Mr. LITTLEFIELD. You refer to the letter from the attorney general?

Senator POMERENE. Yes.

Mr. LITTLEFIELD. If it is agreeable, I should like to have introduced here Senator Stephenson's letter to the attorney general, which brought out the reply.

Senator POMERENE. In a moment. There will be no objection to that. What was your object in holding off this account until the last moment?

Mr. UPHAM. There was no special object, any more than that we did not want to file the report before the time—before it was required.

Senator POMERENE. Why?

Mr. UPHAM. I do not know that I can tell you why, except that he was not compelled to. Then, of course, there is always this argument that I can not pass on—that in people's minds in political matters some might be affected favorably and some might be affected unfavorably.

Senator POMERENE. That was a matter that was taken into consideration?

Mr. UPHAM. Oh, undoubtedly; but I did not pass upon that. I had nothing to do with fixing the time.

Senator POMERENE. So far as the time when the account was filed was concerned, you were adhering to what you regarded as the strict legal requirements?

Mr. UPHAM. Of the law. If you filed it before, you would have to file it over again, technically.

Senator POMERENE. As you were so strict about that, will you explain why you were not more strict about the nature of the account?

Mr. UPHAM. The only reason was that the other candidates had not done it, and the practice seemed to be established for the candidates to file accounts in these group sums; and that was all that they wanted to do—all that they decided to do.

Senator POMERENE. It is rather poor practice, is it not, to do one thing when the law requires another?

Mr. UPHAM. Yes, sir; but it is very hard when you are running with other people and see them adopt one practice, if you are not allowed to do the same. But that is not the question here.

Senator POMERENE. There are prosecuting officials to take care of that matter.

Mr. UPHAM. Yes, sir.

Senator POMERENE. The purpose of the law is undoubtedly a good one. Was there any conference between yourself and Senator Stephenson upon the question as to whether or not the form of this account complied with the law?

Mr. UPHAM. I think not.

Senator POMERENE. You do not recall any?

Mr. UPHAM. No; I do not know of any conference on that subject.

Senator POMERENE. Or between you and Mr. Edmonds on the subject, or you and Mr. Sacket?

Mr. UPHAM. I think Mr. Edmonds and Mr. Sacket had these other forms and thought that it was sufficient if they followed the general practice at that time.

Senator POMERENE. They did not ask you for your opinion on the subject?

Mr. UPHAM. No; I do not think they did.

Senator POMERENE. And you, as Mr. Stephenson's private counsel, did not volunteer an opinion on the subject?

Mr. UPHAM. No; I do not think I did on that point.

Senator POMERENE. You say that one of these accounts, at least—perhaps Exhibit No. 47, as it is designated in the former hearings before the joint legislative committee—was in the hands of Mr. Edmonds and Mr. Sacket?

Mr. UPHAM. They had accounts and bundles of papers, and said they had the accounts.

Senator POMERENE. You understood that to be in detail as it is published here in the hearings before the joint committee?

Mr. UPHAM. I understand it is the same one. I never compared it. I never had an opportunity.

Senator POMERENE. Did you examine that account at that time?

Mr. UPHAM. No, sir.

Senator POMERENE. You made no investigation of it?

Mr. UPHAM. No. I may have seen the front page, or something of that kind.

Senator POMERENE. There are probably—without intending to speak exactly—three or four hundred items in that account designated

at Exhibit 47, and perhaps more. Why was that condensed into the dozen items, let us say, for which Senator Stephenson claims credit in his account as against the moneys which he had placed in the hands of Edmonds?

Mr. LITTLEFIELD. As against the aggregate sum?

Senator POMERENE. As against the aggregate sum; yes. You understand my question, do you not?

Mr. UPHAM. I understand your question. What bothers me is that I can not recall any special talk, except that the account that they had would not give any more information if it was all printed.

Senator POMERENE. Are you not mistaken about that?

Mr. UPHAM. I may be.

Senator POMERENE. That gives quite a number of pages of items, giving to some degree the purposes for which they were expended?

Mr. UPHAM. It probably would give a little more.

Senator POMERENE. The names of some of the persons who received this money?

Mr. UPHAM. I can not say, because I never compared it.

Senator POMERENE. Very well.

Mr. UPHAM. These headings were fixed upon. I did not fix upon the headings; but the figures were filled in by Mr. Sacket, I presume with Mr. Edmonds.

Senator POMERENE. In paragraph 2 of Senator Stephenson's statement the various items of expenditure in Exhibit 47 seem to have been grouped into the following:

1. For printing, lithographs, etc.
2. For postage stamps.
3. To Hambright and others for services tendered in organization outside of Milwaukee County.
4. Traveling expenses, contributions, cigars, etc.
5. To advertising agency and newspaper advertising.
6. Expenses in Milwaukee County.
7. Getting signatures, office rent, etc.
8. Posting and distributing lithographs.
9. Telephone, telegraph, and express charges.
10. Advertising, printing, etc.

There are probably 10 items in all. Do you know of any reason for so condensing it?

Mr. UPHAM. I do not know of any reason, except that that is what they preferred to do and decided to do.

Senator POMERENE. What do you know about the destruction of the original items of account or books of account from which these expenditures were made?

Mr. UPHAM. I know nothing about that.

Senator POMERENE. Do you know why they were destroyed?

Mr. UPHAM. No, sir. I think I know nothing about it except Mr. Sacket's testimony. That is the first—

Senator POMERENE. That is, you never had any conference with him on the subject?

Mr. UPHAM. No, sir.

Senator POMERENE. Prior to the time of hearing his testimony?

Mr. UPHAM. No, sir. I had nothing to do with running the campaign, or keeping the accounts, or anything of that kind. I may have acted as messenger back and forth on some things, and gone to

the headquarters to find out; but I had nothing to do with the actual working.

Senator POMERENE. This account was prepared in your office, was it?

Mr. UPHAM. You mean——

Senator POMERENE. The account and the affidavit.

Mr. UPHAM. Yes, sir; the account sworn to by Senator Stephenson.

Senator POMERENE. I believe that is all I care to ask.

Mr. LITTLEFIELD. I should like, if the committee please, to read into the record here, so that we may get the connection, two letters taken from Senator Stephenson's private letter book. The first letter in this—I mention this to identify the book——

The CHAIRMAN. Let me break in here: Have you that roll of letters here?

Mr. LITTLEFIELD. Yes; that is here.

The CHAIRMAN. Turn over those to the secretary, please.

Mr. LITTLEFIELD. Yes.

Senator POMERENE. There were some checks, also.

Mr. LITTLEFIELD. We have the checks here, too. We have been comparing them here this morning, and we will pass them right over to the secretary.

The CHAIRMAN. Yes, if you please, so that they can be arranged.

(By direction of the chairman, the letter referred to was inserted in the record of the first day's proceedings, in connection with other letters on the same subject.)

Mr. LITTLEFIELD. At the time the statement of expenses which was sworn to by Mr. Stephenson and filed was made in the office, did you have copies of the statements of expenses that had been filed by Mr. McGovern, Mr. Cook, and Mr. Hatton, who were also candidates at that same primary for the senatorial nomination?

Mr. UPHAM. Yes, sir.

Mr. LITTLEFIELD. And are those the returns to which you have referred in your testimony with reference to the matter of the practice in such cases? That is, are they some of the returns to which you have referred?

Mr. UPHAM. Some of them; yes.

Mr. LITTLEFIELD. Have you in your hands now the copies that you then had in the office?

Mr. UPHAM. I have one that purports to be part of Cook's, and McGovern's, and Barnes's—that is a different one—and Hatton's. I thought I had Hatton's, but I do not put my finger on it.

The CHAIRMAN. I think we will not put those in the record. The matter has been considered by the committee, as to whether or not we would file any other accounts; and we determined that it would accomplish no good purpose.

Mr. LITTLEFIELD. I wish to offer them later. I will state my reasons. I will not stop to discuss the question now; but I should like to offer here, if the chairman pleases——

The CHAIRMAN. Just a moment, in that connection: The fact appears in the record that other candidates filed this class of statements.

Mr. LITTLEFIELD. Yes.

The CHAIRMAN. To go into details as to wherein the similarity or dissimilarity existed would only encumber the record, to no good

purpose. The record will show my statement, and it will show you offer.

MR. LITTLEFIELD. I am inclined to agree with the chairman that the record in substance would show what I would perhaps expect to show a little more in detail. In so far as Mr. Upham is concerned, I desire the cross-examination to show the basis upon which he predicated his action.

THE CHAIRMAN. We will put into the record the amount of the expenditures of each candidate and the number of votes he received. That is all in the information certified to us by the governor. It will be transferred to the report of the committee, and may be read into the record at any time.

MR. LITTLEFIELD. I will ask Mr. Upham this question: It is simply by way of elaboration of his statement, so as to show the basis of his conclusion. I suppose there is no objection to that.

I will ask you, Mr. Upham, if, at the time the statement of expenses was prepared, you had, in addition to the memoranda from the Hatton, McGovern, and Cook returns, a copy of the return of Judge Barnes, who ran for the position of, and is now, judge of your highest court?

MR. UPHAM. I find among my papers a list of Mr. Barnes's expenditures; and it is my recollection that I had—I thought I also and—Justice Timlin's return.

THE CHAIRMAN. Let us see them a moment. This is one of the Judge's returns, you say?

MR. UPHAM. That is one of Judge Timlin's. Judge Timlin grouped his more than Mr. Barnes did.

SENATOR POMERENE. They have not passed upon it judicially, I take it?

MR. UPHAM. Oh, no!

MR. LITTLEFIELD. No; but I offer it as bearing upon the question of good faith.

SENATOR POMERENE. I understand your purpose.

MR. LITTLEFIELD. This is Judge Timlin's (handing papers to the committee).

If the committee please, I do not want it thought that I am too persistent about the matter; but the particular returns that I now have—

THE CHAIRMAN. Just enumerate them, and make one offer cover them.

MR. LITTLEFIELD. Yes. I should like to offer, if the committee please, a copy of the S. A. Cook return.

THE CHAIRMAN. Who was S. A. Cook?

MR. LITTLEFIELD. He was a candidate for the Senate at the same primary; and also a copy of the return of William H. Hatton.

THE CHAIRMAN. Also a candidate at the same primary?

MR. LITTLEFIELD. Yes. Francis E. McGovern—

THE CHAIRMAN. Also a candidate at the same primary?

MR. LITTLEFIELD. Also a candidate at the same primary; and then a copy of the return of Judge Barnes, who was not a candidate at the same primary, but who, of course, filed a return under the same law. I do that on the ground that these were the papers that Mr. Upham had in his office and examined at the time the return for Senator

Stephenson was made, for the purpose of further detailing the circumstances under which he acted in the manner that has been inquired of by the committee.

Senator POMERENE. Mr. Upham has already stated, as I understand his testimony, that the Stephenson account conforms to those.

Mr. LITTLEFIELD. Yes; in substance. I take it that it is only a question of whether it encumbers the record. I offer it as a matter of his cross-examination, he having stated on the examination by the committee that he predicated his conclusion upon these papers that they had in their hands.

The CHAIRMAN. They will not be received. The offer will be in the record, and that will answer all purposes.

Mr. LITTLEFIELD. It simply appears, then, that we are prepared to show that.

The CHAIRMAN. I will say that I have made some examination of these accounts, and investigated this question in preparation for the hearing, and have made myself somewhat familiar with them. I am speaking only for myself. The question was one to which I gave good consideration. In the judgment of the committee at this time, they are not necessary.

Mr. LITTLEFIELD. Of course, I should not contend, as the committee can well understand, that a failure to comply with the law on the part of another candidate was any justification for doing so upon the part of Senator Stephenson. But as establishing contemporaneous practice, and particularly in connection with Mr. Upham's testimony, when it appears upon the direct examination that he predicated his conclusions upon memoranda then in his hands, I felt it incumbent upon me to offer to put in the memoranda.

The CHAIRMAN. The committee understand it. Is that all you desire of this witness?

Mr. LITTLEFIELD. Let me put in the date of the Barnes papers. I just want to get the date of the election. (To the reporter:) Just take that as "John Barnes, 1908," so that I can identify it. That is the very same election; is it not?

Mr. UPHAM. Yes; the spring election.

Mr. LITTLEFIELD. This is the return of John Barnes for an election held on the 7th day of April, 1908.

The CHAIRMAN. Was that a general election, or a primary?

Mr. UPHAM. That was a general election, I think. The judges are elected in the spring.

Senator POMERENE. I did not read that over critically; but it occurs to me, just from the casual glance I gave it, that it is in somewhat different form from the other accounts.

Mr. UPHAM. It is a little fuller; but still there are items where groups and others are put in.

The CHAIRMAN. That is offered. It will not be received, but the offer will be noted, and the fact that it was offered can be taken advantage of at any time.

Mr. LITTLEFIELD. Yes. This is John Barnes's return, filed for the election held on the 7th day of April, 1908, at which election he was elected a justice of the supreme court of Wisconsin. Is that the right title?

Mr. UPHAM. Yes, sir.

MR. LITTLEFIELD. Being the highest court of Wisconsin. Is that right?

MR. UPHAM. Yes, sir.

MR. LITTLEFIELD. And he is still a member of the court?

MR. UPHAM. Yes, sir.

THE CHAIRMAN. I desire to make an announcement at this time. The committee has taken up the question of finding Mr. Vandersee, referred to in Mr. Murphy's testimony this morning. It is advised from Green Bay, the last place of his known residence in this State, that he removed from there some time ago, and is supposed to be in Chicago; but no address for him in Chicago can be ascertained. So that will account for the impossibility on the part of the committee of producing Mr. Vandersee.

MR. LITTLEFIELD. Right here, while we have that subject up, I should like to report on Mr. Hughes. I took up the matter myself by telephone this morning with the gentleman who seems to be in charge of this newspaper, the Reeseville Review. I got a man on the telephone whose name I could not distinguish from him over the telephone; but he did say that he was in charge of this paper, and was publishing it. He stated that Mr. Hughes left that place something like a year or two ago to go to some State fair, and did not return, and since then had not been heard from; and that after he left, as I understood it, the interest Mr. Hughes had in this paper was sold out by the sheriff. He stated that so far as he knew nobody in the town knew anything about the present whereabouts of Mr. Hughes.

That is the best information I have been able to secure about Hughes.

THE CHAIRMAN. In view of the examination of Mr. Husting yesterday, and some of his concluding statements, the committee desire to say that if the testimony given by Mr. Shields or any other witness at this hearing under oath was not true, and can be shown not to be true, this committee will sit at a time and place convenient for the purpose of receiving evidence to disprove the truth of such testimony, provided it is produced in reasonable and prompt time. Further, the committee desires to say that if they have been guilty of perjury before this committee, the jurisdiction in which they can be prosecuted is that of the State courts. If Senator Husting or any other citizen of this State feels impressed with the importance of purging their testimony or punishing individuals, his remedy for perjury is in the courts of this State, and not before the committee. The committee can not punish for perjury. Perjury is punishable in the State courts, if it is committed within the State, it matters not before what tribunal, provided the tribunal has jurisdiction to administer an oath.

MR. LITTLEFIELD. As we understand it, that is a matter which will be a subject of dispute between Senators Morris and Husting, and the other gentlemen. I do not understand that the committee is now assuming that either one is stating the truth to the exclusion of the other. Our opinion is that Mr. Shields and Mr. Cook are stating the truth. We have endeavored, since Senator Husting has testified, to locate Mr. Shields, Mr. Cook, and Mr. Hines. We have not been able to locate Mr. Cook or Mr. Shields. We have located Mr. Hines. Mr. Hines, we find, is in St. Paul on his way on a trip north. He leaves

at 4 o'clock this afternoon. He has advised us that if the committee will be here to-morrow morning he will be glad to be here at that time, to answer so much of Mr. Husting's statement as related to him. I can get him and have him here to-morrow morning, provided the committee will be in session at that time, if we notify him before 4 o'clock this afternoon that we will want him to be here.

The CHAIRMAN. I think I should make this statement: The committee will require, as a condition precedent to reopening this case, that whoever requests that it shall be reopened shall furnish the committee with the names of the witnesses that it is proposed to produce to prove the untruthfulness of any statement by this man or that, or to prove anything concerning the testimony which has been given by any particular witness; and this should be accompanied by a statement of what they would prove or expect to prove by this witness, it being made so definite that the committee can fix the time for the hearing, here or in the city of Washington. The committee will not go groping about because of a statement clothed in general language that certain testimony ought to be or can be disproved or overthrown. The committee desires the exact truth as nearly as it can be obtained. It does not desire to leave here with any grounds for complaint that it was not willing to go to the very bottom and exhaust every possible avenue of evidence. The persons who make these statements, whether responsible or otherwise, will take notice of the fact that the committee will receive from them any statement as to proofs that they can produce, and will give them an opportunity to produce them. The responsibility is upon the parties who undertake to do so.

Mr. LITTLEFIELD. Yes. Of course the committee can appreciate that it is impossible for us to make any statement now as to what either Mr. Cook or Mr. Shields will say. The statement of Mr. Husting took us entirely by surprise. It was so pronounced a departure from the narrative made by Mr. Morris that of course we could not in any way anticipate it. Therefore we are unable now to state what Mr. Cook will say or what Mr. Shields will say. We know what Mr. Hines will say about it. Shall we have him here to-morrow morning?

The CHAIRMAN. Mr. Husting ought to be notified that Mr. Hines will be here, and that he will be here because of the challenge that he (Mr. Husting) has sent out against Mr. Hines's testimony.

Mr. LITTLEFIELD. Do I understand the chairman to intimate that he wishes us to notify Mr. Husting that Mr. Hines will be here, and of what he will testify to?

The CHAIRMAN. Mr. Hines will be here, and his testimony is the best evidence of what he will say.

Mr. LITTLEFIELD. We are prepared now to state what Mr. Hines will say, because we have talked with him over the long-distance telephone.

The CHAIRMAN. We will not go into that at this time. The secretary of the committee will notify Mr. Husting.

Mr. LITTLEFIELD. Very well. Then the responsibility does not rest upon us to notify Mr. Husting.

The CHAIRMAN. No. If Mr. Shields can be here to-morrow, and Senator Husting desires to be here to-morrow, we will make some

sacrifice of time and see whether or not there is a foundation for the statement that was made on yesterday.

Mr. LITTLEFIELD. We shall do the best we can to reach him. Of course we can not tell whether we shall be able to reach him or not. The committee will appreciate that we labor under some embarrassment in that respect.

Senator POMERENE. You were inquiring about Mr. McCordie. Do you expect to have him here?

Mr. LITTLEFIELD. I do not know. I shall have to have a conference with Mr. Black. He was on a railroad train last night.

Senator POMERENE. Mr. McCordie?

Mr. LITTLEFIELD. Yes. It is extremely difficult to get any positive information over a long-distance telephone.

The CHAIRMAN. The telegram which was read here yesterday by the chairman in regard to his statement was a telegram from a member of the whole Committee on Privileges and Elections, who got the information and transmitted it to this committee.

Mr. LITTLEFIELD. I have no doubt that the statement made by the chairman is absolutely accurate. There is not any question about the whole thing being hearsay. That was the statement made by the chairman.

The CHAIRMAN. I do not think there ever has been a doubt in regard to the nature of testimony or of the statements made at Chicago. I do not recall any witness that ever claimed they were other than hearsay.

Mr. LITTLEFIELD. Not absolutely.

The CHAIRMAN. So that the presence of the attorney would add nothing whatever to the testimony now before the committee. I do not understand that any one claims that any person made any statement there upon his own knowledge.

Mr. LITTLEFIELD. I understand that to be true. The whole matter is hearsay. The only question is as to the responsibility of running down the hearsay.

The CHAIRMAN. We do not want to run down something that has already been run down.

Mr. LITTLEFIELD. Then of course there arises the other question, as to the accuracy with which the hearsay was reported.

The CHAIRMAN. I doubt the necessity of going to that degree in ascertaining the accuracy of admittedly hearsay testimony. There may be times when a case turns upon statements made by persons, or claimed to have been made by persons; but statements made respecting matters of this kind in this hearing have little weight unless they are connected with first-hand evidence.

Mr. LITTLEFIELD. That is, unless it is really evidence.

The CHAIRMAN. Yes; unless it becomes evidence.

Mr. LITTLEFIELD. Then I take it the chairman thinks that under all the circumstances it is hardly worth while to produce Mr. McCordie as to any conversation he may have had?

Senator POMERENE. No.

The CHAIRMAN. The committee is of opinion that it will not be profitable to produce Mr. McCordie.

Mr. LITTLEFIELD. As to the other men, they stand upon a little different basis.

Senator POMERENE. We understood that the statement made by Mr. Husting, in relating the conversation with Mr. Cook as he claimed it to have occurred, was simply hearsay on the part of Mr. Cook.

Mr. LITTLEFIELD. Absolutely.

Senator POMERENE. He did not pretend to say that he had any knowledge of the facts concerning which Mr. Cook spoke. The whole matter is hearsay.

Mr. LITTLEFIELD. I so understand it. Then we will adopt the suggestion of the committee so far as Mr. McCordic is concerned; and I will see what we can do with reference to the others.

The CHAIRMAN. It is not desirable to call Mr. Hines and Mr. Shields or any others merely to go over what they have already testified to. That would be a waste of time.

Mr. LITTLEFIELD. Oh, no; I desire it simply to meet the new development created by the testimony of Senator Husting.

Senator POMERENE. Inferentially, Mr. Hines has already covered that by his statement that he had nothing whatsoever to do with the matter.

Mr. LITTLEFIELD. I suppose Mr. Hines, as a man of character and integrity, feels that when the situation is so profoundly changed as to charge him with holding up and blackmailing Senator Stephenson, he would like to be on record as denying that phase of the question. That is what Senator Husting undertook to say was the conversation. Previously the conversation was understood to be, simply, that Mr. Hines was contributing money to elect Senator Stephenson. The change in the situation is that Mr. Hines is said to have been deliberately holding up Senator Stephenson in order to get the Senator's money, to blackmail him. I apprehend that Mr. Hines, as a man of character, would prefer to clear that up. I am not, of course, prepared to say what he will swear; but we will not go over with him any of the matters that have already been gone over.

The CHAIRMAN. That matter is at rest. Have you the affidavits?

Mr. LITTLEFIELD. Yes.

The CHAIRMAN. Have you a list of the affidavits?

Mr. LITTLEFIELD. I have a list, but I desire to call attention to them in alphabetical order, so that they will be in proper shape.

The CHAIRMAN. I fear that that would result in repeating a lot that is already in the record. You have a list of the affidavits, and they will be indexed as other testimony is indexed.

(Counsel for Senator Stephenson, under an order previously made by the committee, filed certain affidavits, which affidavits are as follows:)

AFFIDAVIT OF DAVID ATWOOD, A NEWSPAPER MAN, JANESVILLE, WIS.

STATE OF WISCONSIN, *Milwaukee County*, ss:

David Atwood, being first duly sworn, on oath says that he is 37 years of age and now resides and for 10 years last past has resided in the city of Janesville, Rock County, and is by occupation one of the editors of the Janesville Gazette, a daily newspaper published at Janesville, Wis.

Affiant further states that he early in the primary campaign for Senator in the year 1908, did some voluntary campaign work for Senator Stephenson. That he was a supporter of the Senator prior to doing any work and the Gazette was also a supporter of Senator Stephenson and had been for some time prior thereto. That later in the primary campaign, in the early part of August, affiant was requested to do whatever work in the campaign he could and was assured by the headquarters at Milwaukee that his legitimate expenses in that connection would be paid, whereupon affiant did certain work in the campaign in the interest of Senator Stephenson. That affiant caused a great deal of advertising material for the Senator to be posted up and circulated in and throughout the county and city of Janesville, by employing men to do work and travel in and throughout the county in the doing of such work. That several trips were made in the various parts of the county by men employed by this affiant who were conveyed by automobile, and the expenses of such trips were paid by this affiant. Affiant also paid the expense of a band of music which was engaged at the time that Senator Stephenson visited Janesville during the campaign, which amounted to about \$20. Affiant also caused through others to be employed in the various precincts of the county of Rock (excepting in the city of Beloit) men to be at the polls on primary day and circulate the cards of Senator Stephenson and other campaign literature and call the attention of the voters to the fact that Senator Stephenson was a candidate. And in connection therewith paid the various poll workers in the city of Janesville for such work, not being required to compensate some of the precinct workers in the county for the reason that many of them were enthusiastic enough to perform such work without compensation. That there were five precincts in the city of Janesville and affiant also engaged and paid several conveyances for use at the polls in and about the said city of Janesville during primary day; and was at large expense for telephone service.

Affiant further states that he received, in all, from the campaign headquarters at Milwaukee \$150, and that the sum was wholly disbursed in the manner above indicated, no part of which was for the services of this affiant, which covered activity to a more or less extent during a period of about 30 days.

Affiant further states that none of the poll workers were employed unless at the time of employment they were supporters of Senator Stephenson. Affiant further states that he was never called upon to furnish an itemized statement of said expenses and did not testify and was not called as a witness at the Madison investigation.

Affiant further states that none of the money disbursed by him or by anyone else for him, in so far as he knows, in said city of Janesville and in the county of Rock, in the Stephenson senatorial primary campaign, was disbursed for the purpose of corruptly or unlawfully influencing or bribing any person or persons to vote or work in the interest of Senator Stephenson.

Affiant further states that there were about nine precinct workers employed in and about the city of Janesville and that between \$40 and \$50 was equally distributed between them for their day's service and doing the work above indicated. Affiant now recalls the names of some of them, namely, W. W. Watt, Frank Joyce, Mr. Askin, Mr. Sheridan, and E. H. Peterson, all of Janesville, Wis.

Affiant further states that, as he remembers the vote, Senator Stephenson had a majority over all other candidates in Rock County, and that affiant was familiar with the method of campaigning carried on in Rock County for the Senator and has had experience in previous campaigns and unqualifiedly states that the campaign carried on for Senator Stephenson in Rock County was one of the cleanest campaigns ever conducted there. Affiant further states that special instructions were given, as understood by affiant, by the headquarters at Milwaukee, that in no event should a saloon campaign be conducted, and that such instructions were strictly complied with, so far as he knows.

DAVID ATWOOD.

Subscribed and sworn to before me this 25th day of October, 1911.

[SEAL.]

LOTTIE H. BRONSON,
Notary Public, Milwaukee County, Wis.

AFFIDAVIT OF WHITMAN A. BARBER, WALDO, SHEBOYGAN COUNTY, WIS., FARMER.

STATE OF WISCONSIN, *Milwaukee County*, ss:

Whitman A. Barber, being first duly sworn, on oath says that he is 57 years of age and now resides and during all his life has resided in the county of Sheboygan, State of Wisconsin, and is by occupation a farmer.

Affiant further states that he took part in the Stephenson senatorial primary campaign in 1908 at the request of the campaign committee at Milwaukee; that he was at all times a supporter of Senator Stephenson and devoted about three weeks' time to the campaign, traveling about the county, which contains 20 precincts, either posting, or causing to be posted, literature, lithographs, and campaign material in various parts of the county, interviewing his many friends in said county, and advocating the election of Mr. Stephenson by interviews, persuasion, and argument.

Affiant further states that he received from said campaign committee in all the sum of \$300 and disbursed the same as follows:

To W. J. Turner of Hingham, Sheboygan County, Wis., \$40, who was to look after the campaign in the towns of Wilson and Holland and villages of Oostburgh and Cedar Grove, in said county; have men at the polls on primary day and look after the circulation of literature, etc., in the interest of Senator Stephenson. That Mr. Turner was a supporter of Senator Stephenson irrespective of said arrangement, and that said amount was paid to Mr. Turner to compensate him for his services and expenses and to compensate said poll workers on primary day. Twenty-five dollars to H. Schulz and others for livery, in traveling about the county. Five dollars to T. H. Alcox for assisting in posting up and circulating literature, interviewing his friends and other people in the interest of Senator Stephenson. Five dollars to Herman Radke for the same kind of work. Five dollars to N. Bruce for the same kind of work. Eighteen dollars for six teams to assist voters in getting to the polls. Five dollars to H. Lenquil for traveling about the town interviewing various men and presenting the merits of Stephenson for election. Fifteen dollars for workers at several different polling places, who were to be at the polls and circulate literature, cards, etc., call attention of the voters to the fact that Stephenson was a candidate. Twenty-four dollars for the expense of three trips to Sheboygan in said campaign. Four dollars and fifty cents for the services of several different people in getting signatures to nomination papers. Nineteen dollars for expense of postage and express in sending out campaign literature to voters in the various parts of the county and the expense of the work. Making a total of \$171.50 actually expended as above indicated.

Affiant further states that the balance of said \$300, or \$128.50, he retained to cover his personal expenses during said three weeks of campaigning, and to compensate him for his services.

Affiant further states that all of the men employed to assist in the campaign at the polling places, and otherwise, were Stephenson supporters at the time of their employment.

Affiant further states that none of the money disbursed by him or by anyone else for him, in so far as he knows, in said Sheboygan County, or elsewhere, in the Stephenson senatorial primary campaign, was disbursed for the purpose of corruptly or unlawfully influencing or bribing any person or persons to vote or work in the interest of Senator Stephenson.

WHITMAN A. BARBER.

Subscribed and sworn to before me this 30th day of October, A. D. 1911,

[SEAL.]

LOTTIE H. BRONSON,
Notary Public, Milwaukee County, Wis.

My commission expires March 29, 1914.

AFFIDAVIT OF EDWIN S. BISSETTE, CONTRACTOR, 621 FORTIETH STREET, MILWAUKEE.

STATE OF WISCONSIN, *Milwaukee County*, ss:

Edwin S. Bissonette, being first duly sworn, on oath says: That he is 37 years of age and now resides, and for about eight years last past has resided, in the city of Milwaukee, State of Wisconsin, and is by occupation a contractor.

Affiant further states that he did campaign work for Senator Stephenson in the city of Milwaukee, Cudahy, South Milwaukee, Watertown, and Oconomowoc, in the State of Wisconsin, during the primary contest for United States Senator in the year 1908; that his business carried him to said places as well as the interests of the Stephenson campaign.

That affiant had a wide acquaintance in and throughout the city of Milwaukee and in the places mentioned.

Affiant further states that he received from Harry Bowman, of Genesee, in the county of Waukesha, in the State of Wisconsin, the sum of \$300 for use in the Stephenson campaign to compensate this affiant for his personal expenses and services.

Affiant understood at the time that said money was furnished by the Stephenson campaign headquarters and was distributed by Mr. Bowman.

Affiant further states that he was engaged in said campaign work for a period of about three weeks in and about said places and claimed and now claims as compensation for such services \$150, and states that the balance of said \$300 was expended by this affiant in paying his personal expenses, consisting of traveling expenses, hotel bills, entertainment, cigars, telephone, and correspondence.

That during said period he met a great many people and talked Stephenson; that he met and interviewed a great many of his friends in said places and advocated Mr. Stephenson's election.

Affiant further states that he was never called upon to furnish an itemized statement of his expenditures, and that it never occurred to him to keep an accurate account of it, but the substantial facts are as above stated.

Affiant further states that prior to his engagement he was a supporter of Senator Stephenson.

Affiant further states that none of the money disbursed by him or by anyone else in so far as he knows either in the city of Milwaukee or the other places mentioned, in the Stephenson senatorial primary campaign, was disbursed for the purpose of corruptly or unlawfully influencing or bribing any person or persons to vote or work in the interest of Senator Stephenson.

EDWIN S. BISSETT.

Subscribed and sworn to before me this 27th day of October, A. D. 1911.

[SEAL.]

LOTTIE H. BRONSON,
Notary Public, Milwaukee County, Wis.

My commission expires March 29, 1914.

AFFIDAVIT OF LEWIS C. BOYLE, STATION AGENT CHICAGO, MILWAUKEE & ST. PAUL RAILROAD CO., VIROQUA, WIS.

STATE OF WISCONSIN, *Milwaukee County*, ss:

Lewis C. Boyle, being first duly sworn, on oath says: That he is 55 years of age and now resides and for about 32 years last past has resided at the city of Viroqua, in the county of Vernon, State of Wisconsin, and is by occupation a railway station agent at said city.

Affiant further states that he did campaign work for Senator Stephenson in the city of Viroqua and in the county of Vernon, in company with Calvin E. Morley of said city, working with him and separately. That affiant was a supporter of Senator Stephenson before he did any work and not on account of any employment. That said work was done during the primary contest for United States Senator in the year 1908. That affiant did said work at the request of Mr. Edmonds and also Mr. Morley. That no particular instructions were given this affiant as to how to conduct the campaign; that affiant used his own judgment and conducted it in accordance with the usual methods of campaigning in that county which have obtained for many years.

Affiant further states that he received from the Stephenson campaign fund the sum of \$125.80, which was a part of the \$500 sent to Mr. Morley for use in Vernon County, and disbursed the same in the following manner:

Twenty dollars for personal expenses in traveling about the county, and \$105.80 in securing precinct workers and distributing lithographs, etc., in and about the county. That the various precinct workers in the various precincts throughout the county and in the city of Viroqua were paid by check through the First National Bank of Viroqua, and affiant is unable to produce either the stubs or the canceled checks because they were delivered to Mr. Morley and were burned in the fire which destroyed the home of Mr. Morley last July.

Affiant further states that it is impossible for him to remember but a few of the names of the precinct workers, now recalling Abner Silbaugh, Viroqua; Sam Smith, Viroqua; F. M. Towner; the reason being that many of the precinct workers were not acquaintances of this affiant, but were introduced to him by others.

That the instructions given to precinct workers were to see that the lithographs and campaign material were posted and circulated in the various precincts, and also to

make lists of names of men who were supporters of the Senator in the various precincts, and also to be at the polls on primary day with such lists and see that those voters came to the polls wherever practicable, either by conveyance or otherwise, and also at the polls to circulate the cards of Senator Stephenson and call attention of the voters to the fact that he was a candidate and advocate his merits.

Affiant further states that in Vernon County there are 33 precincts.

Affiant further states that no precinct workers, in so far as he knows, were employed to do work unless they were supporters of Mr. Stephenson at the time of their employment.

Affiant further states that the campaign in Vernon County was carried on for less expense than any previous campaign within the knowledge of this affiant.

Affiant further states that he was never called upon for an itemized statement of expenses and disbursements and was not called as a witness at the Madison investigation.

Affiant further states that none of the money disbursed by him or by anyone else, in so far as he knows, either in the city of Viroqua or county of Vernon, or elsewhere, in the Stephenson senatorial primary campaign, was disbursed for the purpose of corruptly or unlawfully influencing or bribing any person or persons to vote or work in the interest of Senator Stephenson.

LOUIS C. BOYLE.

Subscribed and sworn to before me this 23d day of October, A. D. 1911.

[SEAL.]

LOTTIE H. BRONSON,
Notary Public, Milwaukee County, Wis.

My commission expires March 29, 1914.

AFFIDAVIT OF L. A. CALKINS, ATTORNEY AT LAW, GREEN BAY, WIS.

STATE OF WISCONSIN, *Milwaukee County*, ss:

L. A. Calkins, being first duly sworn, on oath says: That he is 51 years of age and now resides and for about 18 years last past has resided at the city of Green Bay, in the county of Brown, State of Wisconsin, and is by profession a lawyer, practicing at said city, where affiant has been in continuous practice for about 18 years last past; that affiant served two years as district attorney of the said county of Brown, and prior to his residence at Green Bay held the office of judge of the Criminal Court of Ashland County, Wis., for five years.

Affiant further states that he did campaign work for Senator Stephenson in the city of Green Bay and in the county of Brown during the primary contest for United States Senator in the year 1908. That affiant did said work at the request of Mr. Edmonds, who gave affiant no instructions as to the method of campaigning excepting that Mr. Edmonds told this affiant that he wanted affiant to work in the said campaign for Mr. Stephenson at Green Bay and as much in the county as possible, and that affiant's disbursements in that connection would be paid and a reasonable compensation also paid for affiant's services.

Affiant further states that pursuant to said request and on or about the 10th day of August in said year, this affiant established a Stephenson campaign headquarters in his law office in the city of Green Bay, and from that time on until the primaries closed, namely, on or about the 2d day of September following, this affiant devoted practically his entire time to the campaign for Mr. Stephenson, carrying on the necessary correspondence, engaging office help, procuring the preparation of advertising material, causing certain campaign articles to be printed in the newspapers, hiring the necessary conveyances in and about the city for the bringing of people to the polls, engaging livery rigs for travel about the county, and employing precinct workers.

Affiant further states that he received from the Stephenson campaign headquarters at Milwaukee, in all, the sum of \$760, for the purpose of paying campaign disbursements and as compensation for his services.

Affiant further states that he disbursed for letters and postage about \$50; for work of stenographers, \$45; for painting of signs and banners, \$11.50; for distributing campaign circulars and lithographs, \$22.50; for advertisements in the Gazette, about \$12; to the Green Bay Printing Co., about \$7.50; for hacks in use on primary day in the city of Green Bay, \$22; for livery rigs during the period of affiant's services, about \$25; for precinct workers in the various precincts of the city, about \$100.

Affiant further says that his personal expenses during said campaign, which consisted of entertainment, cigars, hotel and traveling expenses incurred while traveling about the city and county, including trips to Milwaukee, amounted to about \$250.

Affiant further states that his charge for services, covering a period of about three weeks, was \$210.

Affiant further states that he is unable to remember any considerable number of the names and few of the correct addresses of the precinct workers, because many of them were employed on the recommendation of others; but affiant can remember a Mr. Johnson, a Mr. Delaney, a Mr. Porth, and a Mr. Benz of the city of Green Bay.

Affiant further states that in the city of Green Bay alone there are 10 precincts.

Affiant further states that no precinct workers, in so far as he knows, were employed to do work unless they were supporters of Mr. Stephenson at the time of their employment.

Affiant further states that he kept no detailed memoranda of disbursements as they were incurred, excepting receipted bills, which he is unable to find and produce, although he has looked for them.

That he was never called upon for an itemized statement by the Stephenson campaign committee and was not called as a witness at the Madison investigation.

Affiant further states that none of the money disbursed by him or by anyone else, in so far as he knows, either in the city of Green Bay or Brown County, in the Stephenson senatorial primary campaign, was disbursed for the purpose of corruptly or unlawfully influencing or bribing any person or persons to vote or work in the interest of Senator Stephenson.

L. A. CALKINS.

Subscribed and sworn to before me this 24th day of October, A. D. 1911.

[SEAL.]

LOTTIE H. BRONSON,
Notary Public, Milwaukee County, Wis.

My commission expires March 29, 1914.

AFFIDAVIT OF ROBERT B. CLARK, TRAVELING SALESMAN, FORT ATKINSON.

STATE OF WISCONSIN, *Milwaukee County*, ss:

Robert B. Clark, being first duly sworn, on oath says that he is 30 years of age and now resides and for 30 years last past has resided in the county of Jefferson, in the State of Wisconsin, and is by occupation a traveling salesman.

Affiant further states that he did campaign work for Senator Stephenson in the south half of Jefferson County, in said State, covering a number of precincts or towns, during the primary contest for United States Senator in the year 1908.

That said work was done at the request of Mr. Harry Bowman, who was working in the interest of Senator Stephenson; that this affiant was a supporter of Senator Stephenson irrespective of said work and had been prior to that time.

That the principal work that this affiant was instructed to do by Mr. Bowman was to canvass said towns, getting a list of names of Stephenson men, circulating and posting Stephenson literature, lithographs, etc., and advocating the election of Senator Stephenson, and in so far as possible affiant was to have as many of his friends as he could at the polls on primary day to advocate Stephenson's election.

Affiant further states that he did said work in said county in such time as possible, covering a period of about three weeks, and that said money was disbursed as follows: For the personal expenses of affiant, consisting principally of traveling expenses, hotel expenses, telephones, expense of assistance in putting up and keeping up literature, entertainment, cigars, etc., amounting, during said period, to about \$100 and that affiant claims as compensation for his services the sum of \$150.

Affiant further states that none of the money disbursed by him or by anyone else, in so far as he knows, in said part of Jefferson County or elsewhere, in the Stephenson senatorial primary campaign was disbursed for the purpose of corruptly or unlawfully influencing or bribing any person or persons to vote or work in the interest of Senator Stephenson.

Affiant further states that he was never called upon to furnish an itemized statement of his expenses and was not called as a witness in the Madison investigation.

ROBERT B. CLARK.

Subscribed and sworn to before me this 24th day of October, A. D. 1911.

[SEAL.]

LOTTIE H. BRONSON,
Notary Public, Milwaukee County, Wis.

My commission expires March 29, 1914.

AFFIDAVIT OF LEMUEL B. COX, FARMER, ONALASKA, WIS.

STATE OF WISCONSIN, *Milwaukee County*, ss:

Lemuel B. Cox, being first duly sworn, on oath says that he is 65 years of age and now resides and for about 60 years last past has resided in the county of La Crosse, in the State of Wisconsin, and is by occupation a farmer.

Affiant further states that he did campaign work for Senator Stephenson in the county of La Crosse during the primary contest for United States Senator in the year 1908; that affiant was a supporter of Stephenson before he did any work in said campaign, and had personally known the Senator for a great many years.

Affiant further states that the work which he did in said campaign was volunteered by him and he received no instructions from headquarters with reference to how the work should be done. However, this affiant was informed that his personal expenses would be paid, and whatever other legitimate expense was incurred by the campaign would be taken care of by the campaign committee.

Affiant further states that he received from the Stephenson campaign headquarters at Milwaukee in all the sum of \$175 for use in said campaign.

Affiant further states that he disbursed of said \$175 the sum of \$135 for expense to different individuals to put up posters and pennants and circulate campaign literature, also for individuals in the various precincts preparing poll lists for the benefit of headquarters at Milwaukee. The expense for the work of preparing said poll list to this affiant was \$40. In addition to these disbursements affiant caused to be employed in the various precincts poll workers, whose instructions were to be at the polls on primary day with cards and campaign material in the interest of Senator Stephenson and circulate such material and call the attention of the voters to the fact that Senator Stephenson was a candidate. These poll workers, or nearly all of them, had with them a list of Stephenson men from each precinct, and were instructed to check off the Stephenson men as fast as they voted, and ascertain at 3 o'clock in the afternoon how many had failed to come to the polls, and in case of such failure to provide a way of getting them to the polls; that teams were hired for that purpose.

Affiant further states that the said poll workers in a great many instances were suggested by others, in consequence of which affiant does not remember their names, and that there was expended for such poll workers about \$90.

Affiant further states that in no instance were any of said precinct workers engaged unless they were Stephenson men before they were employed.

Affiant further states that for his personal expenses in traveling about the county for conveyances and hotel expenses he disbursed about \$40.

Affiant further states that his work covered a period of about 60 days, that in connection therewith he circulated some of the nomination papers for Senator Stephenson, and that in said La Crosse County this affiant had charge of 16 precincts.

Affiant further states that he kept a detailed memoranda of his disbursements, expenses, etc., but that the same has been mislaid and he is unable to find it; that he was not called as a witness in the investigation at Madison and has never been called on for any itemized statement, and that affiant has never received anything for his services in said campaign.

Affiant further states that he expended some of his own money in the interest of the Senator for personal expenses in addition to what he received.

Affiant further states that none of the money disbursed by him or by anyone else, so far as he knows, either in the county of La Crosse or elsewhere, in the Stephenson senatorial primary campaign was disbursed for the purpose of corruptly or unlawfully influencing or bribing any person or persons to vote or work in the interest of Senator Stephenson.

LEMUEL B. COX.

Subscribed and sworn to before me this 24th day of October, 1911.

[SEAL.]

LOTIE H. BRONSON,
Notary Public, Milwaukee County, Wis.

My commission expires March 29, 1914.

AFFIDAVIT OF JOHN D. CURRAN, HOTEL KEEPER, STEVENS POINT, WIS.

STATE OF WISCONSIN, *Milwaukee County*, ss:

John D. Curran, being first duly sworn, on oath says: That he is 65 years of age and now resides and for about 50 years last past has resided at the city of Stevens Point in the county of Portage, State of Wisconsin, and is by occupation a hotel keeper.

Affiant further states that he did campaign work for Senator Stephenson in the city of Stevens Point and Portage County during the primary contest for United States Senator in the year 1908. That affiant did said work at the request of Mr. Stephenson's campaign managers at Milwaukee and was a supporter of Senator Stephenson at all times irrespective of his engagement to work.

Affiant further states that no instructions as to the method of campaigning were given him by the said managers excepting that affiant should engage such precinct workers as were needed and advocate the election of Senator Stephenson, looked after the keeping of posters and lithographs, and furnish such names as could be gotten in said county to the end that they may be communicated with from headquarters.

Affiant further states that he received in all for distribution in said campaign and for his own services the sum of \$250 and was at work in the campaign covering a period of about two weeks. That he had done considerable work before the receipt of any money. Affiant further states that he had assisting him principally a man by the name of Leo Weisner of Stevens Point.

Affiant further states that he visited various parts of the county and covering said period was generally occupied in the campaign traveling in and about the county.

Affiant further states that Mr. Weisner also did the same character of work. Affiant further states that there are about 20 precincts in the county. Affiant further states that precinct workers were employed generally in the various precincts. That he is unable to give the names of the precinct workers because they were either employed by Mr. Weisner or else were introduced to this affiant by other men.

Affiant further states that about \$150 was expended for precinct workers and about \$100 was expended for the personal expenses of this affiant and Mr. Weisner, which personal expenses consisted of livery hire, hotel expenses, entertainment, cigars, etc. Affiant further states that no precinct workers in so far as he knows were employed to do work unless they were supporters of Mr. Stephenson at the time of their employment.

Affiant further states that he kept no detailed memoranda of disbursements as they were incurred and was at no time called upon to render any itemized statement thereof and was not called as a witness at the Madison investigation.

Affiant further states that none of the money disbursed by him or by anyone else under his direction or otherwise in so far as he knows in said county or elsewhere in the Stephenson senatorial primary campaign was disbursed for the purpose of corruptly or unlawfully influencing or bribing any person or persons to vote or work in the interest of Senator Stephenson.

JOHN D. CURRAN.

Subscribed and sworn to before me this 23d day of October, A. D. 1911.

[SEAL.]

LOTTIE H. BRONSON,

Notary Public, Milwaukee County, Wis.

My commission expires March 29, 1914.

AFFIDAVIT OF PATRICK DORMADY, SHERIFF, ASHLAND, ASHLAND COUNTY.

STATE OF WISCONSIN, *Milwaukee County, ss:*

Patrick Dormady, being first duly sworn, on oath says: That he is 52 years of age and now resides and for about 25 years last past has resided at the city of Ashland in the county of Ashland, State of Wisconsin, and is now performing the duties of sheriff of Ashland County.

Affiant further states that he did campaign work for Senator Stephenson in the city of Ashland and county of Ashland during the primary contest for United States Senator in the year 1908; that affiant was a supporter of Senator Stephenson prior to doing any work for him by request or otherwise as herein stated.

That affiant did said work at the request of Mr. Stephenson's campaign managers at Milwaukee and that his services covered a period of about 60 days.

Affiant further states that he received no instructions as to how he should do campaign work for Mr. Stephenson other than as he was told by said managers to use his own judgment in doing whatever he could in a legitimate way and proper way to advance the interests of Mr. Stephenson, and that said managers would pay this affiant's expenses and also a reasonable compensation for his services.

Affiant further states that he received from the Stephenson headquarters at Milwaukee, in all, the sum of \$125 to compensate affiant for his personal expenses and services.

Affiant further states that said personal expenses consisted of cost of entertainment and hotel bills ci ars etc

Affiant further states that he traveled in and throughout Ashland County on two different occasions; that said county is a very large county with 28 precincts.

Affiant further states that he kept no detailed memoranda of disbursements as they were incurred, and was never called upon for any statement of how said money was disbursed, by anyone.

Affiant further states that none of the money disbursed by him or by anyone else in so far as he knows, either in the city of Ashland or county of Ashland, in the Stephenson primary campaign was disbursed for the purpose of corruptly or unlawfully influencing or bribing any person or persons to vote or work in the interest of Senator Stephenson.

PATRICK DORMADY.

Subscribed and sworn to before me this 24th day of October, A. D. 1911.

[SEAL.]

LOTTIE H. BRONSON,
Notary Public, Milwaukee County, Wis.

My commission expires March 29, 1914.

AFFIDAVIT OF F. R. FARR, ATTORNEY AT LAW, EAU CLAIRE, WIS.

STATE OF WISCONSIN, *Milwaukee County*, ss:

F. R. Farr, being first duly sworn, on oath says: I reside at Eau Claire, Wis. I was paid \$300 in the way of the personal check of William G. Wheeler, for the purpose of being used in the campaign carried on in behalf of Isaac Stephenson in Eau Claire County, Wis.

I used this money in behalf of Mr. Stephenson by employing different individuals to be out on primary day with their horses and rigs for the purpose of conveying the voters to the polls and working at the polls on primary day in behalf of Mr. Stephenson. I also hired billposters to placard the city of Eau Claire and the county generally with Stephenson literature and lithographs; and the \$300 that was paid me was expended in this manner.

I am unable at this time to give the names of more than three individuals to whom I paid money for the purposes mentioned. I paid to Carl Stussy, a billposter residing at Eau Claire, the sum of \$26.25 for work he did in the city of Eau Claire and elsewhere in posting up Stephenson literature and lithographs in public places. I recall that I paid Louis Knutson \$20 for work he was to do in the ninth ward, where he resides, in the city of Eau Claire. I also paid James Blackrock, who lived in the town of Brunswick, in said county, a small sum, the amount of which I am unable to recall. These men I was personally well acquainted with; they were my personal friends.

The only reason I can give for not being able to recall the names of these men to whom money was paid for political work is that they were almost entirely strangers to me (the men that I employed) and were men that were sent to me on the recommendation of substantial men residing in the different towns and precincts in Eau Claire County and wards in the city of Eau Claire and were recommended as men who were able to do efficient political work.

No improper influence was used or employed in connection with this work whatever, so far as I know. The men and teams that were employed were employed solely for the purpose of getting the voters to the polls and the exercise of legitimate arguments and influence with the voters in behalf of Mr. Stephenson. None of this money received by me was paid for the vote of any elector, and all the money was expended with a view to compensating the individual for the loss of time that he would incur while engaged in this political work.

There are, as near as I can state, about 50 voting precincts in Eau Claire County; and these men that were employed, as hereinbefore stated, were, with the exception of Louis Knutson, whom I have hereinbefore named, and Carl Stussy, paid from \$5 to \$10 each for their work at the polls.

I expended all the money that was given me in the manner hereinbefore stated. None of it was retained by me as compensation for my individual services. I was a Stephenson supporter and had been for some time prior to the time this money was paid to me.

I kept no memorandum whatever, as the money was paid to me just prior to election, in the form of the personal check of William G. Wheeler, and I only had a few days within which to do this work.

I rendered no account of my disbursements to anyone and was not asked to do so or expected to do so, as the sum paid me was regarded as exceedingly small for the work I was expected to accomplish.

I had the use of several automobiles, and in the various trips I made throughout the various towns in Eau Claire County was usually accompanied by a man of influence and of excellent character and standing.

The campaign carried on in Eau Claire County in behalf of Mr. Stephenson was as clean and honorable a campaign as I have even known, and I have been more or less active in Wisconsin politics for the past 25 or 30 years. In fact, I had at first objected to receiving any money, for the reason that I had theretofore always expended my own money in the political campaigns in which I had been engaged and never before this had the disbursement of any political fund, being always theretofore a contributor.

There was no improper influence of any character used, so far as I know, in behalf of Mr. Stephenson, and the money was expended, so far as I can recall, in accordance with my honest belief, solely in the manner hereinbefore indicated.

F. R. FARR.

Subscribed and sworn to before me this 23d day of October, A. D. 1911.

[SEAL.]

LOTTIE H. BRONSON,
Notary Public, Milwaukee County, Wis.

My commission expires March 29, 1914.

AFFIDAVIT OF J. HENRY FRANK, PHYSICIAN, NEILLSVILLE, WIS.

STATE OF WISCONSIN, *Milwaukee County*, ss:

J. Henry Frank, being first duly sworn, on oath says: That he is 41 years of age, and now resides and has for about 11 years last past resided at Neillsville, in the county of Clark, State of Wisconsin, and is a practicing physician and surgeon.

Affiant further states that he did campaign work for Senator Stephenson in the county of Clark and in the city of Neillsville, at the request of the Stephenson campaign committee, during the primary contest for United States Senator in the year 1908.

That affiant was a supporter of Senator Stephenson prior to his engagement to do said work, and was in no way influenced by the fact that he was employed.

Affiant's instructions from headquarters were to get a list of as many Stephenson supporters in the county and city as possible, talk Stephenson wherever he could, and cause to be posted the literature, lithographs, etc., in and throughout the county, and see that proper men were at the polls during primary day, and employ men, where necessary in the precincts, to convey voters, with teams, to the polls, such precinct workers to distribute the cards of Senator Stephenson on primary day, and call the attention of the voters to the fact that Stephenson was a candidate. Affiant was also informed that his legitimate and reasonable expenses would be paid.

Affiant further states that he was engaged in said campaign for about six weeks doing the necessary work in connection therewith.

Affiant further states that he received from the campaign committee, in all, the sum of \$615, which was distributed and applied as follows:

About \$200 of said amount was paid to Frank Marth, who devoted about six weeks of his time to general campaigning in and about the county for Mr. Stephenson, talking Stephenson, seeing that the literature was kept up, and visiting various parts of the county for such purpose. His services and expenses were about \$200.

About \$200 of this amount was paid by this affiant for his personal traveling expenses traveling in and about the county, for conveyances, entertaining, and buying cigars. The balance, or about \$150, was expended in and about the county for the employment of precinct workers who were to do work and did work at the primaries and were at the primaries on election day. The instructions of such workers were to see that the lithographs and literature were circulated in their various precincts, to make lists of names of Stephenson men, and be at the polls with such lists, and see that the persons on such lists came to vote, and procure conveyances, where necessary, to bring them to the polls, and at the polls to talk Stephenson and circulate Stephenson's cards. This was done, as affiant remembers, in about 12 of the precincts of the county. In some precincts it was not necessary to employ poll workers.

Affiant is unable to give the names and addresses of all precinct workers, because many of them were introduced to affiant by others and they were not acquaintances of affiant; but they were recommended by responsible men whom affiant knew. However, affiant remembers some of the names, including Mr. Grapp, of Globe, Wis.; Mr. Monti, whose address also is Globe, Wis.; Mr. Dangers, of Neillsville; Mr. Townsend, of Neillsville; and Mr. Christenson, of Neillsville, Wis.

Affiant further states that the balance of said \$615, or about \$50, was expended for general work of two persons in Taylor and Marathon Counties, who were to travel about

those two counties, or particular parts of said counties, talking Stephenson and circulate his literature, and that said work was done, as affiant is informed and believes, and that said amount of \$50 was entirely disbursed for the personal expenses of the said two persons. Said persons were introduced to this affiant at the time by men whom affiant had confidence in, and he does not recall their names.

Affiant further states that none of said precinct workers or the others were engaged unless they were the supporters of Senator Stephenson.

Affiant further states that he never was called upon for an itemized statement of his expenses and disbursements and did not keep an account at the time.

Affiant further states that none of the money disbursed by him or by anyone else, in so far as he knows, either in the city of Neillsville or in either of the counties named or elsewhere, in the Stephenson senatorial primary campaign, was disbursed for the purpose of corruptly or unlawfully influencing or bribing any person or persons to vote or work in the interest of Senator Stephenson.

J. HENRY FRANK, M. D.

Subscribed and sworn to before me this 24th day of October, 1911.

[SEAL.]

LOTTIE H. BRONSON,

Notary Public, Milwaukee County, Wis.

My commission expires March 29, 1914.

AFFIDAVIT OF JOSEPH T. HANSON, COURT COMMISSIONER AND PENSION ATTORNEY,
MAUSTON, WIS.

STATE OF WISCONSIN, *Milwaukee County, ss:*

Joseph T. Hanson, being first duly sworn, on oath says: That he is 68 years of age and now resides, and for more than 50 years last past has resided, at the city of Mauston, in the county of Juneau, State of Wisconsin, and is by occupation a pension attorney and circuit court commissioner. Affiant further states that for many years he served in the office of justice of the peace in and for the said county of Juneau.

Affiant further states that he was a supporter of Senator Stephenson in the primary campaign of 1908; that, aside from speaking a good word for the Senator wherever he could, he did no active campaign work for him, but did advise with the active campaign managers of Mr. Stephenson as to the men to interest in the campaign, and gave information as to who were Stephenson men in and about the county so far as affiant knew.

Affiant further states that he was requested by Mr. Edmonds to take charge of the campaign in Juneau County for Senator Stephenson, but this affiant refused to do so, but notwithstanding this the funds with which to carry on the campaign were sent to Mauston, Wis., and the checks were made out in the name of this affiant, notwithstanding that the campaign managers at Milwaukee were instructed to make out the checks in the name of T. J. Dalton, a cashier of the State Bank of Mauston.

Affiant further states that on receipt of said checks, which in all amounted to \$500, he at once indorsed them and turned them over to the cashier of said bank, and the funds were kept in the bank; that said funds were deposited in the name of this affiant, in consequence of which the funds were checked out by this affiant as needed in the conduct of the campaign.

Affiant further states that the various amounts checked out were as follows:

J. L. Barney, Mauston, Wis.....	\$125
J. G. Burritt, Mauston, Wis.....	20
W. J. Fossbinder, Mauston, Wis.....	103-105
John Burritt, Mauston, Wis.....	10
W. F. Windsor, banker.....	55
R. C. Falkner, Camp Douglas.....	25

Affiant further states that this left a balance of about \$160, which is now in the bank and has been ever since, subject to the order of the Stephenson campaign committee, or anyone else who may be the owner.

Affiant further states that the various persons to whom money was paid, as he is informed and believes, are able to give a detailed and itemized statement of how said money was spent and what for and in what amounts.

Affiant further states that neither he nor anyone else, so far as he knows, was ever called upon to furnish any itemized statement of how said money was disbursed.

Affiant further states that none of the moneys disbursed by him or by anyone else, in so far as he knows, either in the city of Mauston or in the county of Juneau or else-

where, in the Stephenson senatorial primary campaign, was disbursed for the purpose of corruptly or unlawfully influencing or bribing any person or persons to vote or work in the interest of Senator Stephenson.

JOSEPH T. HANSON.

Subscribed and sworn to before me this 24th day of October, A. D. 1911.

[SEAL.]

LOTTIE H. BRONSON,

Notary Public, Milwaukee County, Wis.

My commission expires March 29, 1914.

AFFIDAVIT OF JERRY R. KEYES, RAILWAY CONDUCTOR, MADISON, WIS.

STATE OF WISCONSIN, *Milwaukee County*, ss:

Jerry R. Keyes, being first duly sworn, on oath says: That he is 48 years of age and now resides, and has for the past 48 years resided, at the city of Madison, in the county of Dane, in the State of Wisconsin, and is by occupation a railway conductor.

Affiant further states that he did campaign work in the Stephenson senatorial campaign in 1908 for Senator Stephenson at the request of the campaign committee at Milwaukee; that prior to said request he was a supporter of Senator Stephenson, and that his employment had nothing to do with such fact.

That he devoted his time exclusively to the campaign, covering a period of about two months, prior to primary day, and traveled into various parts of the State, circulating the nomination papers of the Senator and interviewing his friends in different cities and presenting to them the merits of Senator Stephenson and the reasons why he should be nominated. That in doing said work he traveled in and about the city of Madison, the city of Janesville, Baraboo, Elroy, La Crosse, Portage, and Beloit, in said State. That his compensation, by agreement, was \$25 per week for his services, and in addition thereto he was to receive his legitimate traveling and hotel expenses, which were paid to him from time to time as his work progressed.

Affiant further states that a part of his work was to put up lithographs of the Senator, to circulate his campaign material, cards, buttons, etc., which he did, either himself or caused others to do so, paying the expense therefor himself when assistance was required.

Affiant further states that he received in all from said campaign committee the sum of \$276.20, which was entirely exhausted in compensating affiant for his services at \$25 a week, which amounted to \$200, and in payment of his personal expenses, for transportation, hotel accommodations, and incidental expenses, amounting to about \$76.20.

Affiant further states that he was never called upon to furnish a detailed itemized statement of said expenses, although on different occasions, to affiant's best recollection, he did furnish a general statement of his expenses.

Affiant further states that none of the money disbursed by him or by anyone else, in so far as he knows, in said parts of the State and cities above mentioned, in the Stephenson senatorial primary campaign, was disbursed for the purpose of corruptly or unlawfully influencing or bribing any person or persons to vote for or work in the interest of Senator Stephenson.

JERRY (his x mark) R. KEYES.

Witness—

WALLACE INGALLS.

Subscribed and sworn to before me this 26th day of October, A. D. 1911.

[SEAL.]

J. W. F. ROTH,

Notary Public, Milwaukee County, Wis.

My commission expires August 24, 1913

AFFIDAVIT OF RICHARD MEYER, JR., BANKER, LANCASTER, WIS.

STATE OF WISCONSIN, *Milwaukee County*, ss:

Richard Meyer, jr., being first duly sworn, on oath says that he is 54 years of age, and during all his life has resided at Lancaster, Wis., and is by occupation a banker.

Affiant further states that he took part in the senatorial primary campaign of 1908 in Grant County, and received for distribution from the campaign committee at Milwaukee the sum of \$500 for use in said county. That he did work in said campaign

for a considerable period prior to primary day and on primary day in circulating and causing to be circulated literature, and the posting of lithographs, and traveling in and about the county visiting his friends, and generally advocating the cause of Mr. Stephenson, this affiant being at all times a supporter of the Senator, and personally anxious to see him nominated.

Affiant further states that \$300 of said amount was expended in procuring assistants in the conduct of the campaign in the south assembly district of said county, wherein is situated the city of Platteville; that said assistants looked after the posting of the lithographs of the Senator in and throughout said assembly district in said county and circulating campaign material, and also said assistants traveled about said assembly district visiting the various precincts and talking with the people and endeavoring to interest them in the cause of Mr. Stephenson, and that said assistants, as affiant is informed and believes, procured poll workers at the polls on primary day, who were instructed to be at the polls in the various precincts, in all numbering about 24 precincts, and there circulate the campaign material of Senator Stephenson, his cards, etc., and call the attention of the voters to the fact that the Senator was a candidate. And considerable expense was incurred in said south assembly district for the expense of livery hire and conveyances. And affiant further states, upon information and belief, that said money was expended in that way.

Affiant further states that \$150 was expended by Leo Phillipson, to whom this affiant gave the money, and who devoted a considerable time to the campaign in traveling about the north assembly districts of said Grant County circulating literature, putting up posters, and interviewing voters, and also providing for poll workers at certain of the precincts in said assembly districts, whose instructions were to be at the polls and circulate literature and call attention of the voters to the fact that the Senator was a candidate. And, as affiant is informed and believes, said money was expended in that way, to cover the expenses of such work and the employment of such men.

Affiant further states that the remaining \$50 he retained to cover his own personal expenses and as compensation for his services, but states, however, that the said \$50 was practically expended for the personal expenses of this affiant, and that he received practically nothing, and expected nothing, for his services.

Affiant further states that none of the persons employed at the polls or otherwise in said county, as far as he knows, were employed unless they were Stephenson supporters.

Affiant further states that none of the money disbursed by him or by any one assisting him, in so far as he knows, in said county of Grant or elsewhere in the Stephenson senatorial primary campaign was disbursed for the purpose of corruptly or unlawfully influencing or bribing any person or persons to vote for or work in the interest of Senator Stephenson.

RICHARD MEYER, Jr.

Subscribed and sworn to before me this 30th day of October, 1911.

[SEAL.]

LOTTIE H. BRONSON,
Notary Public, Milwaukee County, Wis.

My commission expires March 29, 1914.

AFFIDAVIT OF CALVIN E. MORLEY, EX-ASSISTANT SERGEANT AT ARMS, HOUSE OF REPRESENTATIVES, WASHINGTON, D. C.

STATE OF WISCONSIN, *Milwaukee County*, ss:

Calvin E. Morley, being first duly sworn, on oath says that he is 68 years of age, and now resides and for about 52 years last past has resided at the city of Viroqua, in the county of Vernon, in the State of Wisconsin.

Affiant further states that he did campaign work for Senator Stephenson in the city of Viroqua and in the county of Vernon during the primary contest for United States Senator in the year 1908. That affiant was at all of the times herein stated, and prior to any work in said campaign, a supporter of Senator Stephenson; that affiant did said work at the request of Mr. Edmonds, who gave no particular instructions as to the method of campaigning, excepting that this affiant was told by Mr. Edmonds to use his own judgment in the conduct of the campaign, and that they wanted to carry on a clean campaign and make the expenditures as judicious as possible and not to expend any unnecessary moneys, and that no moneys should be expended excepting for perfectly legitimate purposes.

Affiant further states that he received from the Stephenson campaign headquarters at Milwaukee, in all, the sum of \$500, and that affiant and Mr. Lewis C. Boyle handled said campaign and the said campaign fund.

This affiant disbursed of said sum \$174.20 and has an itemized account of how it was expended, in a small memorandum book, which contains original entries of such disbursements made by this affiant, and submits same herewith for inspection. That the items are as follows:

T. W. Boyle.....	\$35. 00
Cigars.....	3. 00
L. L. Tongue, Hillsboro, Wis.....	10. 00
Hotel bill at La Farge, Wis.....	2. 85
Hotel bill at Hillsboro.....	2. 15
Livery, 2½ days.....	7. 50
Sundries.....	1. 50
Cigars, etc.....	3. 50
Ole A. Larson, Readstown.....	5. 00
Hotel bill.....	3. 00
Livery.....	4. 50
John Fish, Readstown.....	2. 00
Livery and hotel bill.....	3. 00
Postage, etc.....	1. 50
Livery for Morley.....	3. 00
Trip to Milwaukee and return (called there at request of the manager, Mr. Edmonds).....	12. 65
Cigars.....	2. 00
Sundries.....	2. 00
Posting lithographs and campaign literature.....	1. 00
Telephone messages.....	2. 30
Marion Allen, La Farge, livery.....	8. 00
L. L. Tongue, Hillsboro.....	10. 00
Martin Root, Viroqua.....	6. 00
Railroad fare to Madison and return.....	6. 30
Dinner and supper (Morley).....	1. 50
Lodgings.....	3. 00
Breakfast.....	. 75
Sundries.....	. 75
Dinner and supper.....	1. 50
Lodging.....	2. 00
Breakfast.....	. 75
Dinner, supper, and breakfast.....	2. 00
L. C. Boyle, trip to Milwaukee and return, expenses.....	10. 00
William Jones.....	4. 00
L. O. Thompson.....	3. 80

Affiant further states that out of said fund he gave to Mr. Boyle the sum of \$125.80.

Affiant further states that the balance of the \$500, amounting to \$200, was sent back to headquarters by draft soon after the primary campaign was closed.

Affiant further states that he made no charge for his services in said campaign.

Affiant further states that the duties of precinct workers, such as were engaged, and instructions given them were to do what they could to see that the lithographs and campaign literature was posted and circulated and also to make lists of names wherever practicable of Stephenson supporters in the various precincts and be at the polls on primary day and have the lists with them and see that Stephenson men came to the polls, and wherever practicable bring them, and do the usual work on primary day which poll workers customarily do—that is, distributing cards and calling attention of the voters to the fact that Senator Stephenson was a candidate for Senator.

Affiant further states that no precinct workers, in so far as he knows, were employed to do work unless they were supporters of Mr. Stephenson at the time of their employment.

Affiant further says that the Stephenson campaign committee never called upon him for an itemized statement of his disbursements, and that affiant was not called as a witness at the Madison investigation.

Affiant further states that the said book containing the original entries of his expenditures is hereby made a part of this affidavit and marked "Exhibit A."

Affiant further states that none of the money disbursed by him or by anyone else, in so far as he knows, either in the city of Viroqua or in the county of Vernon, or else-

where, in the Stephenson senatorial primary campaign was disbursed for the purpose of corruptly or unlawfully influencing or bribing any person or persons to vote or work in the interest of Senator Stephenson.

CALVIN E. MORLEY.

Subscribed and sworn to before me this 23d day of October, A. D. 1911.

[SEAL.]

LOTTIE H. BRONSON,

Notary Public, Milwaukee County, Wis.

My commission expires March 29, 1914.

AFFIDAVIT OF R. E. ORTON, BANKER, DARLINGTON, WIS.

STATE OF WISCONSIN, *Lafayette County, ss:*

Robert E. Orton, being duly sworn, on oath deposes and says that his full name is Robert E. Orton; that he is engaged in the banking business at Darlington, county of Lafayette, State of Wisconsin.

Deponent further says that under date of August 27, 1908, he received from E. A. Edmonds, manager of the primary campaign for Senator Isaac Stephenson, the sum of \$300, said sum being placed in his hands according to an agreement previously made with the said Edmonds, the said money to be used in organizing the various voting precincts in the county of Lafayette in the interests of the said Senator Stephenson.

Affiant further says that the following detailed statement of expenditures is a true statement of the disposition of the said sum of money by said affiant:

1. Personal expense of affiant, railroad fare, etc.....	\$11. 16
2. Telephone and telegraph.....	4. 05
3. Printing sample ballots.....	7. 50
4. Stationery.....	1. 00
5. Season ticket for R. A. Murray to Darlington Fair.....	1. 00
6. R. A. Murray, services at Darlington Fair.....	12. 50
7. Advertisement on race program.....	6. 00
8. Wm. Wilson.....	100. 00
9. M. Holland.....	5. 00
10. J. C. Robbins.....	15. 00
11. H. W. Burmeister.....	25. 00
12. Dale Shockley.....	5. 00
13. James Baker.....	5. 00
14. F. A. Greene.....	75. 00
15. Livery.....	11. 00
16. Cigars, etc.....	12. 50
17. Postage, stenographer, etc.....	5. 00

301. 71

Taking up the various disbursements in detail, affiant further says in reference to item No. 8, payment of \$100 to William Wilson, that this payment was made by order of said E. A. Edmonds, according to a letter received from said Edmonds, dated August 27, 1908. Affiant further says that he made no arrangement of any kind with the said William Wilson and has no knowledge of the manner in which said sum was disposed of by the said William Wilson.

In regard to the item No. 9, payment of \$5 to M. Holland. This payment was made to said party for work done by him in the township of Kendall in said county, according to arrangement made with affiant.

Item No. 10, payment of \$15 to J. C. Robbins. This payment was made to said Robbins to be used in the organization of precincts of Belmont village and Belmont Township in said county, according to arrangement made by said affiant.

Item No. 11, payment of \$25 to H. W. Burmeister. This payment was made to said Burmeister to be used in the organization of the townships of Wiota and Gratiot in said Lafayette County.

Item No. 14, payment of \$75 to F. A. Greene. This payment was made to said F. A. Greene for work and time in traveling about said Lafayette County and visiting different voting precincts outside the city of Darlington in the interests of said Senator Stephenson, and was made according to an agreement with said Greene by said affiant.

Item No. 6, payment of \$12.50 to R. A. Murray for services at the Darlington fair. This payment was made to the said Murray for services rendered during the fair held

at Darlington just previous to the primary election. Item No. 5, covering the ticket for the season for said fair to said Murray, was to afford him the opportunity to pass in and out said fair grounds in the course of his work.

Items Nos. 12 and 13, representing payments of \$5 each to Dale Shockley and James Baker, cover payments made to said parties for work done at the polls on the day of the primary election by the said parties.

Except as to the money paid to the said William Wilson, affiant verily believes that none of the sums disbursed by him were in any sense in the nature of a bribe, nor was any money disbursed by any of the said persons, other than the said William Wilson, disbursed for unlawful purposes. As to the money paid to the said William Wilson, affiant has no knowledge as to what purposes it was put by the said Wilson.

Affiant further says that this statement of expenses is made from a memorandum book kept by said affiant during the said primary campaign, and that said book and memorandum is now in his possession.

Affiant further says that he has never rendered any statement of disbursements to any representative of the said Senator Stephenson and has no recollection of having been asked for any such accounting. Affiant further says that in all cases in the past where he has handled money for others for campaign purposes an accounting has always been made.

Affiant further says that under date of August 13, 1908, he received from the said E. A. Edmonds a check for \$1.50, said sum being sent him to reimburse him for expense incurred in having campaign banners posted in the interests of said Senator Stephenson.

Further affiant saith not.

ROBERT E. ORTON.

Subscribed and sworn to before me this 25th day of October, A. D. 1911.

[SEAL.]

S. J. DAVIS, *Notary Public.*

AFFIDAVIT OF LEWIS W. PETERSON, HARDWARE DEALER, DORCHESTER, WIS.

STATE OF WISCONSIN, *Milwaukee County, ss:*

Lewis W. Peterson, being first duly sworn, on oath says: That he resides at Dorchester, Clark County, Wis., and is by occupation a hardware dealer.

That he was a member of the assembly of the Wisconsin Legislature during the senatorial election in January, February, and March, 1909. That at that time he resided at Denmark, Brown County, Wis., and represented the second district of Brown County in said assembly.

Affiant further says that he was a Republican in politics and that he supported Isaac Stephenson for the United States Senatorship and voted for him on all ballots taken up to and including the 24th day of February, 1909. That affiant left Madison on the morning of February 25, according to his best recollection, and returned to his home at Denmark, being called there by the illness of his daughter, and that he did not return to Madison until after the 4th day of March, being detained at his home by the illness of his daughter during that time.

Affiant further says that on the day when he left Madison, as aforesaid, being called home by telephone message, he spoke to Assemblyman Leroy of Marinette, informing him that it would be necessary for affiant to be away from Madison, and Assemblyman Leroy suggested to him that he should try to pair with some anti-Stephenson man; whereupon affiant spoke to Assemblyman Otto Onstad from the second district of Dane County, and a pair was accordingly arranged between them, and both of them signed a blank printed form of pair, which affiant believes was filed with Chief Clerk C. E. Shaffer of the assembly.

Affiant further says that on the evening of March 3, that being the date, according to his best recollection, he was called up over the long-distance telephone and informed that Assemblyman Onstad was getting restless on account of the continued absence of affiant, fearing that he would be criticized by his constituents for not voting, but that affiant explained that his absence was necessitated by the continued critical illness of his daughter, whereupon Assemblyman Onstad consented that the pair should remain in force until affiant's return to Madison.

Affiant further says that he did not support Senator Stephenson in the primary, but had agreed to support the primary nominee for the United States Senatorship, and so supported Senator Stephenson on each ballot at which affiant was present and voted, as aforesaid; and that he was absent from the joint convention for the election of United States Senator on the days above mentioned, to wit, February 26 to March 4, inclusive, on account of the critical illness of his daughter, as hereinbefore stated, and for no other reason.

LEWIS W. PETERSON.

Subscribed and sworn to before me this 26th day of October, A. D. 1911.

[SEAL.]

LOUISE ROWE,

Notary Public, Milwaukee County, Wis.

My commission expires January 31, 1915.

AFFIDAVIT OF WERNER PFLUGHOEFT, FARMER, MEDFORD, TAYLOR COUNTY, WIS.

STATE OF WISCONSIN, *Milwaukee County, ss:*

Werner Pflughoeft, being first duly sworn, on oath says: That he is 25 years of age and now resides and for seven years last past has resided in the city of Medford, in the county of Taylor, State of Wisconsin, and is by occupation a farmer.

Affiant further states that he did campaign work for Senator Stephenson in the county of Taylor and State of Wisconsin, covering all of the precincts in said county, there being 12 in all. That a township not containing cities usually has but one voting precinct, and that this is the case generally throughout the State of Wisconsin, and the townships are usually 6 miles square, some of them larger.

That said campaign work was done during the primary contest for United States Senator in the year 1908 and that affiant devoted about six weeks' time to the campaign, traveling in and throughout said county, visiting his many friends in said county, posting up lithographs and circulating campaign material, and was at considerable personal expense for livery hire and automobiles in making the trips in and throughout the county and for use on election day in the city of Medford.

That in nearly all of the precincts affiant induced, through friendship and without compensation, men to be at the polls on primary day and call attention of voters to the fact that Senator Stephenson was a candidate, circulating his cards and other campaign literature.

Affiant further states that he performed said services at the request of the campaign committee at Milwaukee and was a Stephenson supporter before his employment, and that the men engaged at the polls were Stephenson supporters.

Affiant further states that he received from said campaign committee in all the sum of \$252; that \$100 of this sum was retained by this affiant as compensation for his services, in accordance with the understanding he had with said campaign committee, and that the balance, or about the sum of \$150, was disbursed by this affiant for personal expenses in doing the work above indicated; that is, for causing the Stephenson campaign literature to be circulated and posted in and throughout the county, for telephone expenses, hotel expenses, livery hire and automobile hire, entertainment, cigars, etc. Affiant further states that he did not conduct a saloon campaign and that very little of said sum, not exceeding the sum of \$10, was expended for liquors and cigars.

Affiant further states that he was never called upon to furnish an itemized statement of his expenses and did not keep any, it not occurring to him that it would be necessary, and that he was not called as a witness at the Madison investigation. Affiant further states that none of the money disbursed by him or by anyone else, in so far as he knows, in said Taylor County, or elsewhere, in the Stephenson senatorial primary campaign, was disbursed for the purpose of corruptly or unlawfully influencing or bribing any person or persons to vote for or work in the interest of Senator Stephenson.

WERNER PFLUGHOEFT.

Subscribed and sworn to before me this 26th day of October, 1911.

[SEAL.]

LOTTIE H. BRONSON,

Notary Public, Milwaukee County, Wis.

My commission expires March 29, 1914.

AFFIDAVIT OF HERBERT J. PIPER, ATTORNEY AT LAW, MILWAUKEE.

STATE OF WISCONSIN, *Milwaukee County, ss:*

Herbert J. Piper, being first duly sworn, on oath says: That he is 44 years of age and now resides and for 10 years or more has resided in the city of Milwaukee and State of Wisconsin, and is by occupation a practicing attorney.

Affiant further states that he did campaign work for Senator Stephenson in certain parts of Jefferson County in said State, traveling through several of the precincts or towns in said county, during the primary contest for United States Senator in the year

1908. Affiant further states that he spent at least eight days of actual time in the said campaign away from his office, and did so at the request of the Stephenson campaign managers at Milwaukee. That the reason this affiant did some work in this particular district was because he was personally acquainted with a great many people in and throughout the different parts of Jefferson County, having formerly lived there.

Affiant further states that he was a supporter of Senator Stephenson before he engaged to do any work in the campaign.

Affiant further states that his instructions were to spend what time he could in said district talking with his friends and creating a sentiment, in so far as possible, in the interest of Mr. Stephenson, and engaging men to be at the polls on primary day and also men to convey voters to the polls in precincts where it was necessary and practical to do so, and that wherever any such were engaged they were in each and all instances men who were at the time supporters of Senator Stephenson, and were instructed to be at the polls and circulate cards and other literature of Senator Stephenson, and call attention of voters to the fact that Senator Stephenson was a candidate, and to see that all the Stephenson men came to the polls.

Affiant further states that he received \$200 to be used in compensation for affiant's services and to cover his expenses in employing men for the purpose above stated and for his own personal expenditures in traveling in and about said district with livery conveyances and automobile, and to cover his incidental expenses in connection therewith.

Affiant further states that he applied about \$100 of said amount in payment of his services for the work above indicated and the balance was expended for livery hire and automobile hire and railway fares, hotel expenses, and for the expenses of men to convey voters to the polls and men to be at the polls in certain precincts and do the work above indicated.

Affiant further states that he was never called upon to furnish an itemized statement of his expenses, although he could have accurately done so at the time, and that he was not called as a witness in the Madison investigation.

Affiant further states that none of the money disbursed by him or by anyone else for him, in so far as he knows, in said parts of Jefferson County, or elsewhere, in the Stephenson senatorial primary campaign, was disbursed for the purpose of corruptly or unlawfully influencing or bribing any person or persons to vote or work in the interest of Senator Stephenson.

Affiant further states that his work in said county covered about seven precincts.

HERBERT J. PIER.

Subscribed and sworn to before me this 25th day of October, 1911.

[SEAL.]

H. M. SHEETS,

Notary Public, Milwaukee County, Wis.

My commission expires October 6, 1912.

AFFIDAVIT OF JOHN M. REESE, PRESIDENT OF THE DODGEVILLE CHRONICLE, DODGEVILLE WIS.

STATE OF WISCONSIN, *Iowa County*, ss:

John M. Reese, being first duly sworn, on oath says: That he is 42 years of age and now resides and for 42 years last past has resided in the county of Iowa and State of Wisconsin, and is by occupation the president of the Dodgeville Chronicle, a weekly newspaper edited and published at the city of Dodgeville, and is also president of the First National Bank of Dodgeville.

Affiant further states that he was a supporter of Senator Stephenson in the primary campaign for United States Senator in the year 1908; that the said Chronicle carried special advertising matter in the interest of Senator Stephenson, and caused 3,000 extra copies of such papers containing special matter, to be mailed to practically all the voters of said Iowa County, and that the Chronicle Co. received, for such work and such special advertisements, the sum of \$100; that said advertisements and said special work was reasonably worth the sum of \$100. That the payment of said money in no way influenced the policy of said paper but was simply compensation for said work.

Affiant further states that he employed precinct workers, hired teams and drivers for the purpose of conveying voters to the polls on primary day in the city and town of Dodgeville, at an expense of \$50.

Affiant further states that he received from the Stephenson campaign headquarters at Milwaukee the sum of \$100 which was disbursed as above indicated.

Affiant further states that, in so far as he personally knows, no one was employed to convey voters to the polls or work at the polls or campaign for Senator Stephenson, that was not at the time of his employment a Stephenson supporter.

Affiant further states that the work that was done in said campaign by this affiant, and by others through him, was in accordance with the usual custom of campaigning in that vicinity, and that all of the money received was expended as herein stated.

Affiant further states that none of the money disbursed by him or by anyone else in so far as he knows, in said Iowa County, or elsewhere, in the Stephenson senatorial primary campaign was disbursed for the purpose of corruptly or unlawfully influencing or bribing any person or persons to vote or work in the interest of Senator Stephenson.

Affiant further states that he was never called upon to furnish an itemized statement of the expenditure of said money and was not called as a witness in the Madison investigation.

JOHN M. REESE.

Subscribed and sworn to before me this 25th day of October, A. D. 1911.

[SEAL.]

EDW. A. PERKINS,

Notary Public, Iowa County, Wis.

My commission expires January 3, 1915.

AFFIDAVIT OF FRED W. REINOLD, INSURANCE AGENT, KENOSHA, WIS.

STATE OF WISCONSIN, *Milwaukee County*, ss:

Fred W. Reinold, being first duly sworn, on oath says: That he is 48 years of age and now resides and for 48 years last past has resided in the city of Kenosha, county of Kenosha, Wis., and is by occupation an insurance agent.

Affiant further states that he did campaign work for Senator Stephenson in the city and county of Kenosha during the primary contest for United States Senator during the year 1908. Affiant further states that he did said work at the request of the Stephenson campaign managers at Milwaukee, who requested this affiant to look after Senator Stephenson's interest in the said city and county of Kenosha, by circulating, distributing, and posting up his literature and lithographs, and obtaining such a list of names as could be obtained in the various precincts throughout the county, also in advocating the cause of Senator Stephenson and doing whatever he could in a legitimate way to promote the political interests of Senator Stephenson. This affiant was told by said campaign committee or one of its representatives that his legitimate expenses would be paid and also a reasonable compensation for his services.

That affiant was a supporter of Senator Stephenson before he promised to do any political work for him.

Affiant further states that he received from the said campaign headquarters at Milwaukee, in all, the sum of \$161.05, and was engaged in doing more or less service covering the period of about six weeks.

Affiant further states that as near as he can estimate, with any degree of accuracy, he expended about \$100 for personal expenses traveling in and about the county and city putting up lithographs and posters, and circulating campaign material, for expenses of railway fare and hotel bills and also expense of livery and other conveyances, together with some expense for entertainment, cigars, etc.; in addition to this personal expense, which is included in the \$100 expended, was the sum of about \$50 for services of poll workers on primary day in the various precincts in the city of Kenosha.

Affiant further states that the instructions to said poll workers were, to be at the polls on primary day and distribute cards and literature of Senator Stephenson and call the attention of the voters to the fact that Senator Stephenson was a candidate. That affiant is unable to give the names of said poll workers, for the reason that they were selected and recommended by others and affiant did not keep a list of the names himself, and therefore is unable to give the correct names of the workers in the city; however, affiant recalls Mr. Molinaro of Kenosha City and a Mr. Senne of the same place.

Affiant further states that the balance of said \$161.05 this affiant retained for his services, believing that it was no more than a reasonable compensation for the time he devoted to said campaign.

Affiant further states that in no instance were any precinct workers employed who were not at the time supporters of Senator Stephenson.

Affiant further states that he was never called upon to furnish an itemized statement of his expenditures, but did make a statement to the campaign committee in the aggregate and received a check therefor, and that affiant was not called as a witness at the Madison investigation.

Affiant further states that none of the money disbursed by him or anyone else, in so far as he knows, either in the city of Kenosha or the county of Kenosha, in the Stephenson senatorial primary campaign, was disbursed for the purpose of corruptly or unlawfully influencing or bribing any person or persons to vote or work in the interest of Senator Stephenson.

Affiant further states that he was instructed by the campaign committee to incur only legitimate expenses and not to conduct a saloon campaign, and that this affiant complied in every respect with such instructions.

FRED W. REINOLD.

Subscribed and sworn to before me this 24th day of October, A. D. 1911.

[SEAL.]

LOTTIE H. BRONSON,
Notary Public, Milwaukee County, Wis.

My commission expires March 29, 1914.

AFFIDAVIT OF THOMAS F. REYNOLDS, BANKER, OCONTO FALLS, WIS.

STATE OF WISCONSIN, *Milwaukee County*, ss:

Thomas F. Reynolds, being first duly sworn, on oath says: That he is 43 years of age and now resides and has for about 29 years last past resided at Oconto Falls, in the State of Wisconsin, and is by occupation a banker.

Affiant further states that he did some campaign work for Senator Stephenson at Oconto Falls and in the county of Oconto during the primary contest for United States Senator in the year 1908.

That affiant's services in said campaign were voluntary, for the reason that he was a supporter of Senator Stephenson prior to doing any work for him.

Affiant further states that he received no instructions as to the character of work to be done from the headquarters at Milwaukee, excepting that he was informed by Mr. Edmonds that whatever expenses were incurred in the campaign Senator Stephenson wanted to pay them, and also desired to pay compensation for time put in, which, however, this affiant did not desire and never requested and did not receive.

Affiant further states that he received from the Stephenson headquarters at Milwaukee, in all, the sum of \$200 for the purpose of paying campaign expenses in and about Oconto County, and that he disbursed the same in the following manner:

Affiant paid to the Oconto Falls Herald the sum of \$100 at the request of the campaign managers at Milwaukee, which was to compensate said paper for printing and publishing campaign matter, articles, etc., and also for sending a copy of such paper to every voter in the county.

Affiant further states that he traveled in and through the county by means of liveries and visited a great many places and towns in the county, and that about \$60 of said amount was expended for poll workers, who were instructed to be at the polls on primary day with cards and literature of Mr. Stephenson and distribute the same to the voters and call their attention to the fact that Senator Stephenson was a candidate; and also to have with them lists of names of Stephenson men in the various precincts, in order to be informed whether they were all out.

That affiant remembers some of the names of the men who had charge of precincts, or else employed others to look after some of the precincts, and while he is unable to give them all he now recalls Mr. Jorgenson, who lives in the town of Maple Valley, Oconto County, Wis.; Mr. S. H. Reynolds, Oconto Falls; and Mr. Charles Wach, of Oconto Falls. That in said county there are about 13 precincts.

Affiant further states that the balance of the \$200, or about \$40, he retained for his own personal expenses and expenses of livery hire in traveling about the county.

Affiant further states that in no instance, in so far as he knows, were any poll workers engaged unless they were for Mr. Stephenson before their employment.

Affiant further states that he has never been called upon for an itemized statement of said expenses.

Affiant further states that none of the money disbursed by him or by any one else, in so far as he knows, either in the city of Oconto Falls or Oconto County, or elsewhere, in the Stephenson senatorial primary campaign, was disbursed for the purpose of corruptly or unlawfully influencing or bribing any person or persons to vote or work in the interest of Senator Stephenson.

THOMAS F. REYNOLDS.

Subscribed and sworn to before me this 24th day of October, 1911.

[SEAL.]

LOTTIE H. BRONSON,
Notary Public, Milwaukee County, Wis.

My commission expires March 29, 1914.

AFFIDAVIT OF EDWARD J. ROGERS, EXPRESS AGENT, DODGEVILLE, WIS.

STATE OF WISCONSIN, *Milwaukee County*, ss:

Edward J. Rogers, being duly sworn, on oath says: That he is 37 years of age, and now resides, and for the same number of years last past has resided, at the city of Dodgeville, in the county of Iowa, in the State of Wisconsin, and is by occupation the express agent of the American Express Co. at said city.

Affiant further states that he did campaign work for Senator Stephenson in the city of Dodgeville and in the county of Iowa during the primary contest for United States Senator in the year 1908. That affiant did said work at the request of the Stephenson campaign managers at Milwaukee, who gave affiant no instructions as to the method of campaigning except that said managers desired this affiant to look after Mr. Stephenson's interests in said county and city, and would pay the legitimate expense of such canvass, and also pay this affiant a reasonable compensation for his services in that work. In addition the said campaign managers wanted this affiant to furnish the headquarters with as many names as possible in and throughout the county who were and would be supporters of the Senator.

Affiant further states that he was a supporter of Senator Stephenson at the time he was requested to do said work, and had been such supporter prior to that time. Affiant was also instructed to circulate and keep posted the literature of the Senator in said campaign, and go about the county as much as possible and advocate the merits of Senator Stephenson, and the reasons why he should be elected, and also to employ workers at the polls on primary day who would be there and circulate cards to the voters and call attention to the fact that the Senator was a candidate.

Affiant further states that he received from the Stephenson campaign headquarters in Milwaukee in all the sum of \$481.79, and in addition thereto \$100 from Mr. Reese, of Dodgeville, and that said money was disbursed in the following manner: About \$130 to precinct workers in the different precincts of the county; \$125 to Mr. Reese for special advertising; about \$100 to Mr. Robins for services and expenses and assisting in the campaign work; about \$96 for expense of securing poll list, distributing advertising matter, livery hire, and expense of circulating nomination papers. Affiant retained about \$130 for personal compensation for services.

Affiant further states that in said county there are 28 precincts, that the same is a large county. That the services of affiant and of Mr. Robins covered a period of about six or seven weeks, and that affiant traveled over the county several times.

Affiant further states that nearly all of the precinct workers were engaged either by Mr. Robins, in whom this affiant had confidence, and who is well acquainted in the county, and also some of them were introduced to this affiant by men in the various precincts who were responsible and reputable, and for this reason affiant is unable to give the accurate names and addresses of said precinct workers. However, they were not paid large sums individually, and affiant's instructions to Robins, and his practice himself, was not to employ any such workers unless they were originally Stephenson supporters.

Affiant further states that the instructions given to such poll workers and precinct workers were to get lists of names in the precincts, see that the advertising material was not destroyed or displaced, and be at the polls on primary day with such lists as they had and see that the Stephenson men were at the polls, circulate Stephenson cards at the polls and call attention of the voters to the fact that Stephenson was a candidate.

Affiant further states that he was never called upon for an itemized statement of how said money was disbursed, and that it did not occur to him to keep an accurate account, although he might have done so, and regrets now that he did not. However, affiant did make a general report to the Stephenson headquarters but which was not made in detail.

Affiant further states that none of the money disbursed by him or by anyone else in so far as he knows, either in the city of Dodgeville or the county of Iowa, or elsewhere in the State in the Stephenson senatorial primary campaign, was disbursed for the purpose of corruptly or unlawfully influencing or bribing any person or persons to vote or work in the interests of Senator Stephenson.

EDWARD J. ROGERS.

Subscribed and sworn to before me this 24th day of October, 1911.

[SEAL.]

LOTIE H. BRONSON,
Notary Public, Milwaukee County, Wis.

My commission expires March 29, 1914.

AFFIDAVIT OF CHARLES B. SALMON, PRESIDENT AND TREASURER OF BELOIT WATER,
GAS & ELECTRIC CO., BELOIT, WIS.

STATE OF WISCONSIN, *Milwaukee County*, ss:

Charles B. Salmon, being first duly sworn, on oath says: That he is 60 years of age, and now resides and for about 35 years last past has resided in the city of Beloit, county of Rock, State of Wisconsin, and is by occupation the president and treasurer of the Beloit Water, Gas & Electric Co.

Affiant further states that he did campaign work for Senator Stephenson in and about the city of Beloit and in various parts of Rock County during the primary contest of 1908; that he was a supporter of Senator Stephenson prior to doing any work for him and had supported him in his previous campaign.

Affiant further states that his services covered a period of several weeks and that affiant had the assistance of others to travel into some of the country precincts in the south part of Rock County and also do work in and about the city of Beloit; that the principal work which affiant did or caused to be done was the circulating of Stephenson campaign literature, posting up of lithographs and distributing campaign buttons, conferring with his friends in said city and the south part of Rock County, sending out men in conveyances, both livery and automobile, causing favorable material to be published in certain of the newspapers in the city of Beloit in so far as possible, and devoted a considerable portion of several weeks prior to the primary election in the campaign in general in the interest of Senator Stephenson.

Affiant further states that he received from the Stephenson campaign headquarters at Milwaukee, the sum of \$100 to cover said expenses but which was insufficient for the same, this affiant expending about \$40 in excess thereof, for which he has not been reimbursed and does not expect to be.

Affiant further states that he makes no claim for compensation for his services and has at no time expected any.

Affiant further states that none of the money disbursed by him or by anyone else in so far as he knows, in said part of Rock County and the city of Beloit, or elsewhere in the Stephenson senatorial primary campaign was disbursed for the purpose of corruptly or unlawfully influencing or bribing any person or persons to vote or work in the interest of Senator Stephenson.

Affiant further states that neither he or anyone who assisted him conducted in any sense a saloon campaign, but that the expenses incurred were legitimate, proper, and such as have been customarily expended in campaigns in Wisconsin, and such as affiant has been accustomed to expend in previous campaigns for the last 30 years whenever he has assisted others to be elected to office.

C. B. SALMON.

Subscribed and sworn to before me this 26th day of October, A. D. 1911.

[SEAL.]

W. F. ROTH,
Notary Public, Milwaukee County, Wis.

My commission expires August 24, 1913.

AFFIDAVIT OF HERBERT H. SMITH, INSURANCE AND REAL ESTATE, HARTFORD, WIS.

STATE OF WISCONSIN, *Milwaukee County*, ss:

Herbert H. Smith, being first duly sworn, on oath says: That he is 49 years of age, and now resides and for about 20 years last past has resided in the city of Hartford, county of Washington, and State of Wisconsin, and is by occupation in the real estate and insurance business.

Affiant further states that he did campaign work for Senator Stephenson at the city of Hartford, in the county of Washington, and in the eastern part of the county of Dodge, in the State of Wisconsin, during the senatorial primary campaign in 1908, at the request of the Stephenson campaign managers at Milwaukee. That affiant was a supporter of Senator Stephenson prior to such request.

Affiant further states that his work covered a period of several weeks, and that his work consisted of traveling in and throughout the county of Washington, and the eastern part of the county of Dodge, also in corresponding, and also had the assistance of others in helping to put up and circulate campaign material for the Senator, such as lithographs, cards, buttons, etc., and was at large expense for livery hire and automobile hire in traveling in and about said district.

Affiant further states that his expense for addressing, mailing and stamping, and the cost of stamps to be \$40, using 2,500 stamps, and about 5,000 envelopes. That his expense for livery hire and personal expense in traveling in and about said district, was about \$45 and that the expense for automobile hire amounted to about \$15, making a total expenditure of \$100.

Affiant further states that he received from said Stephenson campaign committee the sum of \$100, and no more, and that the whole of it was expended as above indicated, and more besides, for which affiant has never asked to be recompensed, and does not expect to be.

Affiant further states that he has never been called upon for an itemized statement of his expenditures, and did not testify at the Madison investigation.

Affiant further states that none of the money disbursed by him or by anyone else in so far as he knows in said county of Washington, or Dodge, or elsewhere in the State, in the Stephenson senatorial primary campaign, was disbursed for the purpose of corruptly or unlawfully influencing or bribing any person or persons to vote for or work in the interest of Senator Stephenson.

HERBERT H. SMITH.

Subscribed and sworn to before me this 26th day of October, 1911.

[SEAL.]

J. W. F. ROTH,

Notary Public, Milwaukee County, Wis.

My commission expires August 24, 1913.

AFFIDAVIT OF JOHN L. STURTEVANT, WAUSAU, WIS.

STATE OF WISCONSIN, *Milwaukee County*, ss:

John L. Sturtevant, being first duly sworn, on oath says: That he is 46 years of age, and now resides at Wausau, Wis. That during the senatorial primary campaign of 1908 affiant was the owner of the Waupaca Post, a newspaper published at Waupaca, in Waupaca County, Wis.

That during said primary campaign, for special advertising in the interest of Senator Stephenson, in said paper, and the sending out of a large number of copies of said paper into various parts of the county to the voters, this affiant received from the campaign headquarters of Mr. Stephenson, at Milwaukee, the sum of \$100.

Affiant further states that said special advertising and the work connected therewith, including the cost, was reasonably worth the sum of \$100.

Affiant further states that the said Waupaca Post, at the time said special advertising was run, and for several months prior thereto, was a supporter of Senator Stephenson.

Affiant further states that the payment of said \$100 in no way influenced the Post in its general support of Senator Stephenson, nor this affiant.

Affiant further states that he personally was a supporter of Senator Stephenson, and had been prior thereto, and supported him in his campaign for the Senate in 1907.

Affiant further states that the money paid for said advertising in said campaign was not paid in any sense for the purpose of corruptly or unlawfully influencing or bribing said Post, or any person or persons connected therewith, to either advertise or work in the interest of Senator Stephenson.

JOHN L. STURTEVANT.

Subscribed and sworn to before me this 24th day of October, 1911.

[SEAL.]

LOTTIE H. BRONSON,

Notary Public, Milwaukee County, Wis.

My commission expires March 29, 1914.

AFFIDAVIT OF EMERY W. TUTTLE, MASON AND BRICKLAYER, OCONOMOWOC, WIS.

STATE OF WISCONSIN, *Milwaukee County*, ss:

Emery W. Tuttle, being first duly sworn, on oath says: That he is 60 years of age and now resides and for about 60 years last past has resided at the city of Oconomowoc in the county of Waukesha in the State of Wisconsin, and is by occupation a mason and bricklayer.

Affiant further states that he did campaign work for Senator Stephenson in five townships of the county of Waukesha in the primary contest for United States Senator in the year 1908.

Affiant further states that he received from a Mr. Harry Bowman \$125 and from Mr. J. W. Stone \$75, both of whom, as affiant understands, had money for use in the Stephenson campaign.

Affiant further states that all of said sum was disbursed in said towns legitimately in said campaign; that affiant was assisted by his son, Arthur C. Tuttle, who devoted several weeks also to the campaign in and about said towns, traveling through the county and advocating Senator Stephenson, putting up literature, and engaging men to be at the polls on primary day.

That much of this work was done before any money was received, for the reason that this affiant and his son were at all times in favor of the reelection of Senator Stephenson, and the money received had nothing to do with the personal support of this affiant and his son.

Affiant further states that to the best of his recollection, about \$50 to \$65 of this money was spent for the services of precinct workers in the various towns and about \$140 to \$150 was expended by this affiant and his son in traveling about said territory, for conveyances, for the expense of circulating literature and putting up lithographs, and hotel expenses, entertainment, and cigars. Affiant further states that he is unable to remember the names of all of the precinct workers because of the fact that some were engaged by his son, but does remember the names of Mr. Hewitt of Delafield, Mr. Echhoff of Pewaukee, Mr. Kempf of the town of Oconomowoc, and Walter Wallace of the town of Summitt.

Affiant further states that the instructions to said precinct workers were to see that the literature posted was kept up and not torn down and displaced; to make lists of Stephenson men in the various towns, so far as they could, and be at the polls with such lists on primary day and see that the Stephenson men were gotten to the polls; and to circulate cards at the polls for Stephenson and call the attention of the voters to the fact that Stephenson was a candidate.

Affiant further states that he kept no itemized account of his expenditures and was never called upon for any.

Affiant further states that none of the money disbursed by him or by anyone else, in so far as he knows, either in the said towns or in the county of Waukesha, in the Stephenson senatorial primary campaign, was disbursed for the purpose of corruptly or unlawfully influencing or bribing any person or persons to vote or work in the interest of Senator Stephenson.

EMERY W. TUTTLE.

Subscribed and sworn to before me this 24th day of October, A. D. 1911.

[SEAL.]

LOTTIE H. BRONSON,
Notary Public, Milwaukee County, Wis.

My commission expires March 29, 1914.

AFFIDAVIT OF RALPH H. ROWE, PRODUCE DEALER, WAUPACA, WIS.

STATE OF WISCONSIN, *Milwaukee County, ss.*

Ralph H. Rowe, being first duly sworn, on oath says: That he is 50 years of age, and now resides, and for about 30 years last past has resided, at the city of Waupaca, county of Waupaca and State of Wisconsin, and is by occupation a produce dealer.

Affiant further states that he did campaign work for Senator Stephenson in the State and county of Waupaca, and also in the county of Waushara in said State, during the primary contest for United States Senator in the year 1908, covering a period of about two months. That prior to his interest in said campaign, and during all of the times herein mentioned, affiant was a supporter of Senator Stephenson.

Affiant further states that he did said work at the request of Mr. Stephenson's campaign managers. That said campaign managers gave this affiant no instructions as to the method of campaigning excepting that affiant was told to do what he could for the Senator in the campaign in and throughout the two said counties by personally interviewing as many people in said counties as possible and presenting the reasons why the Senator should be nominated.

Affiant further states that he had a wide acquaintance in and throughout said counties, having been sheriff of Waupaca County for two years, also undersheriff for a considerable time.

Affiant further states that he received in all from the campaign managers of Senator Stephenson the sum of \$499.34, and that he expended about \$300 for his personal

expenses during the said period of about two months in traveling over the said counties, which expense consisted of the cost of conveyances, such as livery hire, and expense of automobiles, as well as train fares, also hotel bills, and expenses for entertainment, cigars, etc.

Affiant further states that he did not make a saloon campaign, but visited saloons and hotels in the various parts of the two counties, and occasionally men were treated, irrespective of whether they were for Mr. Stephenson or against him, at places where refreshments were sold, but no considerable amount was spent for liquors.

Affiant further states that the remaining \$200 affiant kept for his services during said period.

Affiant further states that he kept no detailed memoranda of disbursements as they were incurred, and has to rely, and does rely, upon his memory as to the amount expended for his personal expenses, but believes the statement to be reasonably accurate.

Affiant further states that he was never called upon for an itemized statement by the Stephenson campaign committee, and was not called as a witness at the Madison investigation.

Affiant further states that none of the money disbursed by him, in either of said counties or elsewhere, in the Stephenson senatorial primary campaign was disbursed for the purpose of corruptly or unlawfully influencing or bribing any person or persons to vote or work in the interest of Senator Stephenson.

RALPH H. ROWE.

Subscribed and sworn to before me this 23d day of October, A. D. 1911.

[SEAL.]

LOTTIE H. BRONSON,

Notary Public, Milwaukee County, Wis.

My commission expires March 29, 1914.

AFFIDAVIT OF JABEZ H. WELLS, HOTEL KEEPER, PORTAGE, WIS.

STATE OF WISCONSIN, *Milwaukee County, ss:*

Jabez H. Wells, being first duly sworn, on oath says: That he is 58 years of age, and now resides, and for 58 years last past has resided, in the county of Portage, State of Wisconsin, and is by occupation a hotel keeper.

Affiant further states that he did campaign work for Senator Stephenson in the city of Portage and in the county of Columbia during the primary contest for United States Senator in the year 1908.

That affiant did said work at the request of the Stephenson campaign managers at Milwaukee, who gave no instructions as to the method of campaigning excepting that they desired this affiant to do whatever he could in and about said city and county in the interest of Mr. Stephenson, causing his literature to be put up and circulated and kept up and to get workers at the polls on primary day and provide for getting the vote out in so far as possible.

Affiant further states that he received from the Stephenson campaign headquarters at Milwaukee in all the sum of \$400, out of which he was instructed by the campaign committee to retain whatever his services were reasonably worth for work, and the balance to be used in the legitimate expense of the campaign.

Affiant further states that he retained of said sum \$200 for his personal services, which covered a period of about 60 days; that he traveled over said county and talked with a great many people, advocating Mr. Stephenson and enlisting his friends by argument in behalf of the Senator, and also caused the Senator's lithographs to be posted up throughout the county, which county contains a large number of precincts, and is a large county.

Affiant further states that his personal expenses and expenses for poll workers and the cost of keeping up the literature of the Senator, and for livery and conveyances, hotel expense, cigars, etc., more than amounted to the balance of said money, viz, the sum of \$200; that in nearly all of the precincts in said county there were poll workers at the polls with literature of the Senator and with cards, and the instructions to all poll workers were to distribute the cards and talk Stephenson, calling the attention of voters to the fact that he was a candidate.

That affiant is unable to remember the names of the said poll workers excepting a few, for the reason that in most instances they were men who were introduced to the affiant by others in said precincts. However, he recalls Charles Lautback, of Portage; William Lautback, of Portage; Mr. Elliot, of Pardeville; Mr. Hughes, of Portage; and Mr. Pfaff, also of Portage, who did precinct work.

Affiant further states that he kept no itemized statement of the disbursements; that none of said workers at the polls were employed in so far as affiant knows unless they were for Stephenson at the time of their employment.

Affiant further states that he has never been called upon for an itemized statement of said money.

Affiant further states that none of the money disbursed by him or by anyone else in so far as he knows, either in the city of Portage or county of Columbia, in the Stephenson senatorial primary campaign was disbursed for the purpose of corruptly or unlawfully influencing or bribing any person or persons to vote or work in the interest of Senator Stephenson.

JABEZ H. WELLS.

Subscribed and sworn to before me this 24th day of October, A. D. 1911.

[SEAL.]

LOTTIE H. BRONSON,

Notary Public, Milwaukee County, Wis.

My commission expires March 29, 1914.

AFFIDAVIT OF WILLIAM F. WINSOR, BANKER, MAUSTON, WIS.

STATE OF WISCONSIN, *Milwaukee County*, ss:

William F. Winsor, being first duly sworn, on oath says: That he is 48 years of age and now resides and for 48 years last past has resided at the city of Mauston, in the county of Juneau, State of Wisconsin, and is by occupation a banker, being the president of the State Bank of Mauston.

Affiant further states that he did some campaign work for Senator Stephenson in the primary campaign of 1908, at the request of the campaign managers of Senator Stephenson at Milwaukee. That he was a supporter of Senator Stephenson prior to any arrangement to do any work.

That the campaign funds mentioned in the affidavit of Joseph T. Hanson were kept in affiant's bank, substantially as stated in the affidavit of said Hanson. Affiant further states that the disbursement of said funds, as stated by Hanson, is substantially accurate, but the figures are not correct, according to the checks which are herewith submitted and made a part of this affidavit. That there is now remaining in the bank unexpended the amount of \$151.26, which is now and has been at all times subject to the order of said campaign committee or any one else claiming it. That said funds were deposited in the name of Joseph T. Hanson and never stood in the name of this affiant.

Affiant further states that he did no active work in the campaign until about August 25, being absent from the city prior to that time; but from that on until the primary he traveled about the county by livery rig and by rail and spent a substantial portion of his time during that period in the interest of Mr. Stephenson, visiting his many friends in the county and talking Stephenson and interesting as many people as he could in that way, and that he received from said fund, in fact, but \$45, notwithstanding it appears in Mr. Hanson's account that affiant received \$55, the additional \$10 being given to this affiant for transmission to D. J. Puffer, to whom affiant sent the money.

Affiant further states that the said \$45 was disbursed for his personal expenses in traveling about the county in the way of conveyance expense, hotel expense, cigars, etc.

Affiant further states that none of the moneys disbursed by him or by any of the men mentioned in Mr. Hanson's affidavit, in so far as he knows, either in the city of Mauston or in the county of Juneau, or elsewhere, in the Stephenson senatorial primary campaign, was disbursed for the purpose of corruptly or unlawfully influencing or bribing any person or persons to vote or work in the interest of Senator Stephenson.

WILLIAM F. WINSOR.

Subscribed and sworn to before me this 25th day of October, A. D. 1911.

[SEAL.]

J. W. F. ROTH,

Notary Public, Milwaukee County, Wis.

My commission expires August 24, 1913.

AFFIDAVIT OF ARTHUR J. WYSEMAN, LAWYER, MANITOWOC, WIS.

STATE OF WISCONSIN, *Milwaukee County*, ss:

Arthur J. Wyseman, being first duly sworn, on oath says: That he is 30 years of age and now resides and for 30 years last past has resided at the city of Manitowoc, in the

county of Manitowoc, State of Wisconsin, and is by profession a lawyer, practicing in said city.

Affiant further states that he did campaign work for Senator Stephenson, in the city of Manitowoc and in the county of Manitowoc, during the primary contest for United States Senator in the year 1908, and did so at the request of the Stephenson campaign managers. That affiant was a supporter of Senator Stephenson at the time he consented to do some work in the campaign and had been prior thereto.

The talk between this affiant and said campaign managers was that he would look after the distribution of literature and the circulation of nomination papers and correspond with his friends throughout the county and city in the interest of the Senator and talk for the Senator with his friends as much as possible, and in a general way of that character advance the interest of Senator Stephenson. That expense was incurred in circulating literature and correspondence and in traveling, and considerable time was consumed in doing this general character of work, and this affiant for such expenses and his services was paid the sum of \$135.88 on a bill rendered, which was itemized and which affiant has not seen since.

Affiant further states that none of the money disbursed by him or by anyone else, in so far as he knows, either in the city of Manitowoc or Manitowoc County, in the Stephenson senatorial primary campaign, was disbursed for the purpose of corruptly or unlawfully influencing or bribing any person or persons to vote or work in the interest of Senator Stephenson.

ARTHUR J. WYSEMAN.

Subscribed and sworn to before me this 24th day of October, 1911.

[SEAL.]

LOTTIE H. BRONSON,
Notary Public, Milwaukee County, Wis.

My commission expires March 29, 1911.

Senator POMERENE. We shall not take the time of the committee at this time to read these affidavits. As I understand, they are affidavits accounting for funds placed in the hands of certain managers or assistant managers.

Mr. LITTLEFIELD. Yes; and they are introduced with the express understanding that if upon any subsequent examination of any of these affidavits the members of the subcommittee feel that they desire additional affidavits, or the presence for cross-examination of any of the people who make the affidavits, we will produce them at such time and place as the committee instruct.

Senator POMERENE. Do any of these affidavits differ in subject matter from those that you have heretofore shown the committee?

Mr. LITTLEFIELD. No. They are all of the same general character.

Senator POMERENE. Then this evidence is simply cumulative?

Mr. LITTLEFIELD. That is true.

Before we leave the question of the affidavits, I desire to say that this does not exhaust the names of all of the men who received money at what I would call second hand. The list contains the affidavits of some men who received money at what I would call third hand—referring, now, to the “second-hand” men as those to whom either Mr. Edmonds or Mr. Sacket paid money for use in connection with the campaign, and the “third-hand” men as those to whom those men paid the money.

The CHAIRMAN. The poll workers?

Mr. LITTLEFIELD. Not necessarily the poll workers; because some of the witnesses who received the money at second hand, from Mr. Sacket and Mr. Edmonds, paid money to other men, and in turn employed other men. Some of these affidavits include what I would call men in the “third hand.” We have not covered all of the men who would be in the second degree or in the second hand, nor have we covered all who would be in the third degree. We are prepared, if the

committee desire, to submit affidavits of all of the men in both the second and the third degree to whom funds were entrusted for disbursement in the campaign, and to account for those funds as far as we can. The committee will appreciate that we have not seen all of these witnesses. In the preparation of these 31 affidavits we have been calling the various witnesses into Milwaukee while the committee has been in session; and practically all of the affidavits have been taken from the witnesses here in the office of Cary, Upham & Black, where they have been requested to come, to save us the trouble of going out after them. We may have one or two more that are on the way. We were notified by the secretary of the committee on Saturday that we need not call any additional witnesses to Milwaukee for the purpose of getting their affidavits. We then suspended our work along that line.

The CHAIRMAN. In order that there may be no misapprehension, it was stated to you, I believe, in the same conversation, that the purpose of this was to avoid the additional expense of mileage.

Mr. LITTLEFIELD. Certainly.

The CHAIRMAN. But it was not intended to cause you to cease getting affidavits at the place where the affiant resides.

Mr. LITTLEFIELD. Nothing especially was said as to whether we should cease; but I did not understand that we were to cease, so far as that is concerned. What we are prepared to do is this: Our present intention is to have some competent person go through the State at different places where these people, who have expended relatively small sums, can be gathered together, and get affidavits from them. We will have that done as soon as we can, and when we get those affidavits completed we will file them with the committee in Washington.

The CHAIRMAN. Very well.

Senator POMERENE. Are all of the affidavits that you contemplate taking similar in character to those that you have produced?

Mr. LITTLEFIELD. Yes; of the same character and for the same purpose.

The CHAIRMAN. The committee does not require it. If these additional affidavits, beyond those which may hereafter be called for by the committee, are filed, it will be a part of the defense of Senator Stephenson; and upon your own responsibility you will have to pass upon the wisdom of multiplying testimony of that class.

Mr. LITTLEFIELD. Of course the chairman will perceive that when the case is heard by the full committee, or when it goes before the Senate, I do not wish to be in the position of having it appear that certain men who were entrusted with funds have accounted for those funds and certain men have not.

Senator POMERENE. The record already shows that the committee has ceased taking testimony of that character, because there was sufficient in the record to answer any question that anyone may desire to raise respecting that phase of the matter. I do not see how you or Senator Stephenson could be subjected to any criticism by reason of the fact that you have failed to account for the expenditure of all of the money by all of the men who have handled any.

Mr. LITTLEFIELD. If the committee feel like placing on the record an intimation that in their judgment it is not incumbent upon us, as representing the Senator, to go to the trouble of all of this work, and

to involve ourselves in all of this detail, and that the committee feel that under all of the circumstances adequate accounting has been made in that direction, I shall take up the matter with Mr. Black and determine our further course.

The CHAIRMAN. The committee has just so stated.

Mr. LITTLEFIELD. Then let us so understand it. I beg the committee's pardon. I did not quite get the force of the suggestion. But with the understanding that the committee feel that they have in the record in detail everything that they desire in connection with the disbursement, and that it is not incumbent upon us to go farther, I will take up the matter with Mr. Black and see whether we think it necessary.

Senator POMERENE. If it is a violation of law to employ 1 horse and 1 buggy, it is not going to help Senator Stephenson to show that he employed 10 horses and 10 buggies.

Mr. LITTLEFIELD. That is true. Of course I do not want to be placed in this position: Let us say there are 250 men who have accounted for the legitimate expenditure of money, and that there are 50 men who have not accounted for it at all. I do not want to be in the position of having it objected against me that the reason why I did not call those 50 men was because I might have some information that those 50 had improperly and unlawfully expended that money.

Senator POMERENE. It will not be charged that you have not taken care of your case.

Mr. LITTLEFIELD. If that inference is not to be drawn, of course that leaves us in a position where it is a question of judgment upon our part.

The CHAIRMAN. Had the committee thought any further showing in regard to these questions would be of any assistance in determining the issue here it would have so stated. When it ceased calling for that class of testimony the committee was of the opinion that there was already a sufficient amount of testimony in regard to every class of expenditure to obviate the necessity of introducing any more. The committee, therefore, has allowed this question of affidavits to proceed more especially at the instance of counsel for Senator Stephenson, and not because the committee desired it. Counsel can be governed accordingly.

Mr. LITTLEFIELD. I am very glad to get this suggestion from the committee, because it tends to clarify the situation. I feel bound to say that I had not felt quite at ease about the matter until we had this discussion this morning.

There is another phase to which I would like to call the attention of the committee, and that is this: The suggestion was made the other day by the chairman that he would like to have us submit the affidavits of some of the men who were the workers at the polls.

The CHAIRMAN. Yes.

Mr. LITTLEFIELD. As to that, my suggestion is this, and I trust the committee will appreciate my situation: There have been given the names of a large number of men who were poll workers all around throughout the State. I am perfectly willing, if the committee so desire, to get affidavits from all of them. That, of course, would be a tremendous burden. As counsel for Senator Stephenson I do not like to go out myself and select those names. What I would like to have the committee do would be to have the secretary of the committee,

Mr. Smith, who is thoroughly familiar with all of these details, select the names of such as were what we call workers at the polls, the men who were doing the ultimate work, and give us the names of those men that he selects from whom you would like to have affidavits. I want to be in this position: I would like to have the committee select at random, or in any way they choose, the names of men they think might be typical. Otherwise, if I go to work and pick out of four or five hundred men some 25 or 30, a question may arise later as to whether some of those that I did not select would not be able to make so favorable an affidavit for the Senator as those whom I did select.

Senator POMERENE. In other words, you want to resemble Cæsar's wife?

Mr. LITTLEFIELD. Surely. It is the nearest I can ever come to Cæsar's wife, but I am ready to get as close to her in that regard as I can.

The CHAIRMAN. The committee will not burden counsel or itself with an attempt to obtain in any form the testimony of all of the men who received money for working at the polls. The character of the work performed by those men has been well explained, and the committee is of the opinion that no further testimony in that regard is necessary. There can be gathered from this record a sufficient amount of information to satisfy the mind of any inquiring person as to the character of work performed by the poll workers.

Mr. LITTLEFIELD. Then we have no occasion to get those affidavits.

The CHAIRMAN. The committee will introduce the contents of the box of papers in its own way, but not at this time.

Mr. LITTLEFIELD. I desire to put in at this place the affidavit of Lewis W. Peterson on the matter of the pair. The chairman will remember that Mr. Peterson was here, and desired to testify to that. He was paired with Assemblyman Otto Onstad.

The CHAIRMAN. Very well. It will be incorporated into the record at this point.

(The affidavit is as follows:)

AFFIDAVIT OF LEWIS W. PETERSON, DORCHESTER, WIS., HARDWARE DEALER.

STATE OF WISCONSIN, *Milwaukee County*, ss:

Lewis W. Peterson, being first duly sworn, on oath says: That he resides at Dorchester, Clark County, Wis., and is by occupation a hardware dealer; that he was a member of the assembly of the Wisconsin Legislature during the senatorial election in January, February, and March, 1909. That at that time he resided at Denmark, Brown County, Wis., and represented the second district of Brown County in said assembly.

Affiant further says that he was and is now a Republican in politics and that he supported Isaac Stephenson for the United States senatorship and voted for him on all ballots taken up to and including the 24th day of February, 1909; that affiant left Madison on the morning of February 25, according to his best recollection, and returned to his home at Denmark, being called there by the illness of his daughter, and that he did not return to Madison until after the 4th day of March, being detained at his home by the illness of his daughter during that time.

Affiant further says that on the day when he left Madison, as aforesaid, being called home by telephone message, he spoke to Assemblyman Leroy, of Marinette, informing him that it would be necessary for affiant to be away from Madison, and Assemblyman Leroy suggested to him that he should try to pair with some anti-Stephenson man; whereupon affiant spoke to Assemblyman Otto Onstad from the second district of Dane County, and a pair was accordingly arranged between them, and both of them signed a blank printed form of pair, which affiant believes was filed with Chief Clerk C. E. Shaffer, of the assembly.

Affiant further says that on the evening of March 3, that being the date according to his best recollection, he was called up over the long-distance telephone and informed that Assemblyman Onstad was getting restless on account of the continued absence of

affiant, fearing that he, Onstad, would be criticized by his constituents for not voting, but that affiant explained that his absence was necessitated by the continued critical illness of his daughter; whereupon Assemblyman Onstad consented that the pair should remain in force until affiant's return to Madison.

Affiant further says that he did not support Senator Stephenson in the primary, but had agreed to support the primary nominee for the United States senatorship, and so supported Senator Stephenson on each ballot at which affiant was present and voted, as aforesaid; and that he was absent from the joint convention for the election of United States Senator on the days above mentioned, to wit, February 25 to March 4, inclusive, on account of the critical illness of his daughter, as hereinbefore stated, and for no other reason.

LEWIS W. PETERSON.

Subscribed and sworn to before me this 26th day of October, A. D. 1911.

[SEAL.]

LOUISE ROWE,

Notary Public, Milwaukee County, Wis.

My commission expires January 31, 1915.

Mr. LITTLEFIELD. As I understand, the journals of the Senate and the Assembly of the State of Wisconsin, of the senate for January 26, and of the joint convention from January until March 4, inclusive, are to be incorporated into the record.

The CHAIRMAN. The committee will incorporate those. They are public records. They do not need to be introduced here.

Mr. LITTLEFIELD. We have here a carefully tabulated statement of the vote in the legislature for Senator Stephenson, covering the whole period. It groups the votes together. It will be convenient for reference.

Senator POMERENE. The journal shows all that.

Mr. LITTLEFIELD. Oh, yes; but this is a compilation.

The CHAIRMAN. There will be no way of printing that in the record of the senate except to have it engraved. That is quite a serious matter; and the committee will consider it.

Mr. LITTLEFIELD. The record already shows, I think, that Mr. Fenelon voted for Mr. Stephenson in the assembly on January 26, and in the joint convention on January 27, 28, and 29.

I should like to get some instruction from the committee as to the circumstances under which we may get the testimony of Mr. Turrish. We will adopt any suggestion that the committee may have. We want the testimony of Mr. Turrish.

The CHAIRMAN. In the absence of any definite knowledge on the part of the committee as to the purpose and purport of the testimony it would be very difficult to formulate any plan.

Mr. LITTLEFIELD. The purpose of the deposition of Mr. Turrish is to squarely deny the testimony of Mr. Cook in relation to a conversation between Mr. Hines and Mr. Turrish in the hotel in Chicago. Mr. Turrish has already testified in the Lorimer hearing, and he squarely denied the whole conversation, corroborating Mr. Hines. We think Mr. Hines is entitled to the benefit of that corroboration.

The CHAIRMAN. We can take from that testimony so much of Mr. Turrish's statement as we desire.

Mr. LITTLEFIELD. I understood the committee the other day to suggest that it did not feel like doing that. If that is agreeable, that satisfies us.

The CHAIRMAN. Is Mr. Turrish accessible?

Mr. LITTLEFIELD. No; I understand not. I think he is on the Pacific coast.

The CHAIRMAN. I was going to suggest that, in my judgment, the proper and convenient way would be, if Mr. Turrish is available, to

have him incorporate that testimony in an affidavit, and in his affidavit state that under oath he swore to this statement.

Mr. LITTLEFIELD. If the committee thinks that is the better way, very well. We shall do the best we can to reach him, and as quickly as we can.

The CHAIRMAN. The reason of the ruling against that class of testimony was because it was not proposed to incorporate it in an affidavit. Of course, in its report, the committee may refer to these things; but if you want to lay the foundation in testimony it may be done in the manner suggested.

Mr. LITTLEFIELD. It is important for us to know whether or not it is going to be in the record, so that we can refer to it, if we so desire, in our brief.

The CHAIRMAN. I suggest that you put it in the form of an affidavit.

Mr. LITTLEFIELD. That is quite agreeable. We do not understand that the findings of the Wisconsin Legislature are in any sense evidence before the committee in establishing any fact.

The CHAIRMAN. They are not evidence. They are exactly in the status of an indictment.

Mr. LITTLEFIELD. Precisely. Then, of course, it follows, also, that the record before those committees is not evidence. I refer to the 6,000 pages of testimony.

Senator POMERENE. Whatever is introduced, or whatever the committee expects to introduce, will be called to your attention.

Mr. LITTLEFIELD. If anything in addition to what has already been introduced is to be relied upon, that might open up further inquiry from us.

Senator POMERENE. I do not recall anything now. I had in mind Mr. Ramsey's testimony.

Mr. LITTLEFIELD. That goes in by agreement between ourselves and the committee. It is perfectly agreeable to us, if on further investigation the committee feel that they desire to use anything in addition to what has already been used, which is included in the testimony taken before the joint committee and the senate committee, that our attention be called to it, so that we may have occasion to introduce anything in relation to it that we may desire.

Mr. Black, did you produce those checks of Mr. Stephenson?

Mr. BLACK. I delivered to Mr. Smith, the secretary of the committee, the checks used by Mr. Stephenson in the primary campaign. In that connection I wish to say at this time that I was asked to produce here the checks used by Mr. Edmonds, drawn on his account in the National Exchange Bank, being the checks referred to in the testimony before the legislative committee, and being all of the checks drawn by him on that account, except check No. 7, which was missing at that time, and which is missing from this list here, but about which he testified. As I remember, it was a check for \$50.

The CHAIRMAN. The committee has possession of the Stephenson checks.

Mr. BLACK. Shall I deliver these checks now to Mr. Smith, the secretary of the committee?

The CHAIRMAN. Yes.

The committee will take a recess at this point.

(Whereupon, at 12 o'clock and 35 minutes p. m., the committee took a recess until 2 o'clock p. m.)

AFTER RECESS.

The recess having expired, the subcommittee reassembled.

The CHAIRMAN. I should like to inquire of counsel as to the witnesses they desire to call.

(Counsel for Senator Stephenson submitted a list of witnesses to the committee.)

LETTER OF EDMONDS TO STEPHENSON.

Mr. LITTLEFIELD. In the first place, Mr. Chairman, the committee called at one time for the letter written by Mr. Edmonds to Senator Stephenson in relation to additional funds. I have here a carbon copy of that letter, dated August 4, 1908. I do not suppose you want me to stop to read it?

The CHAIRMAN. No. It will be marked and received as an exhibit.

Senator POMERENE. Is it a letter written by Mr. Edmonds to Senator Stephenson?

Mr. LITTLEFIELD. Yes.

Senator POMERENE. You have the original; have you?

Mr. LITTLEFIELD. No; I have not the original. I have not been able to find the original.

The CHAIRMAN. Where did you get the carbon copy?

Mr. LITTLEFIELD. Mr. Edmonds furnished it to me this morning in the office of Cary, Upham & Black.

(The letter referred to was marked "Exhibit Edmonds letter of August 4, 1908," and is as follows:)

AUGUST 4, 1908.

Hon. ISAAC STEPHENSON,
Marinette, Wis.

MY DEAR SIR: I am in receipt of your letter of July 30, which is just at hand. In this letter you say, "While I am willing to make all the expenditures necessary, there is a limit beyond which I shall not pass."

This gives me definite information that, regardless of the amount I may have thought necessary to spend in your interest, you will not be obligated for any larger amount than the one you have in mind, which amount you decline to make known to me.

This decision makes it necessary, for my own protection, that I know your idea relative to present and proposed obligations, which I consider necessary in order to successfully carry out the campaign. I have to-day placed before Mr. Puelicher my plans for the conduct of the campaign and it entails, besides the expenditures already arranged for by him, an additional expenditure of \$30,000. A part of this expenditure I have definitely arranged for in various counties and the balance is an estimate, covering what is necessary in certain counties. With a less amount than this expended in the several counties I think we can not win.

I don't know what the expenses of the campaign for literature, lithographs, men who were hired before I took charge, etc., will be, but the above-mentioned amount is necessary in the counties for work in order to get out the vote.

Mr. Puelicher informs me that he hasn't this amount and can't give me any definite statement as to what I can expect. I am writing to you, therefore, to say that this is a matter that must be decided immediately and by wire to-morrow (Wednesday). There are several counties which we have good prospects of carrying, providing we go after the vote. The men in these localities have been waiting to hear from me relative to looking after their localities for nearly a week.

Unless I hear from you to-morrow, direct, or through Mr. Puelicher, I shall be compelled to write those with whom I have not made definite arrangements that we haven't any money and can not consider the suggestions made by them. I shall also write to the men in certain counties where I have made definite arrangements, asking them to come to Milwaukee to consult with me immediately. I shall tell them at my meeting with them that we have no funds with which to carry out our proposed plans, ask them to give me a bill of their expenses to-day, pay them, and instruct them to go to no further expense.

This matter can not be longer delayed, and if I do not get word by to-morrow noon from some source that the money is to be furnished for use as I have proposed, I shall consider that it is your wish that I pursue the plan outlined in notifying our friends regarding the lack of funds.

Very truly, yours,

EAE-C.

AFFIDAVITS AS TO TESTIMONY OF J. J. BLAINE.

Mr. LITTLEFIELD. When I came to look into volume 8, page 150, of the record before the subcommittee, I found that Mr. Blaine made a statement before this committee that he did not make before the joint investigating committee. Mr. Eastman was a witness before the joint investigating committee, and denied substantially all the statements made by Mr. Blaine there.

The CHAIRMAN. What was the statement?

Mr. LITTLEFIELD. The statement was that Mr. Eastman was practically bought off from his support of the other candidate by the Stephenson people. That statement was repeated two or three times on the examination of Mr. Blaine by the committee here—a statement that he did not make before the joint investigating committee. I should like to read into the record exactly what he did say and what Mr. Eastman says in relation to it.

The CHAIRMAN. Very well.

Mr. LITTLEFIELD. Then I should like to be permitted to get Mr. Eastman's affidavit or take his testimony in regard to it, because that is rather a rank statement to make about Mr. Eastman.

The CHAIRMAN. Proceed.

Mr. LITTLEFIELD. I am reading from page 437 of the testimony before the joint investigating committee—Mr. Blaine's testimony:

This all happened—that is, the information is—as of before the primary. I told him I couldn't be pulled off; it didn't make any difference. He said, "But you are going to involve me in this investigation, if there is one." He says, "You know—"

Senator POMERENE. Who is "he?"

Mr. LITTLEFIELD. "He" is Eastman. This is Blaine's testimony. He is referring to Eastman.

Senator POMERENE. He is detailing a conversation with Eastman?

Mr. LITTLEFIELD. With Eastman; yes. [Reading:]

He said, "You know I was a supporter of Mr. Cook, and you know that two or three other fellows in the city of Platteville"—which I didn't know, but he told me I did know—"were supporters of Mr. Cook." And he said, "You know that we quit Mr. Cook"—whether a day or two or two or three days just prior to the primary or not, I don't remember exactly about that; but, at any rate, Mr. Eastman told me that he quit Mr. Cook; that he had been supporting Mr. Cook up to that time, and that he quit him, and that if he had to come down to the investigation committee, why, he would come down and tell about the money that he received. I told him that that was all right; if it was legitimate there would be no dishonor placed upon him; if it was illegitimately used, or received by him, that he was entitled to be branded as having been bribed and bought and purchased.

Q. Is that all?—A. I think that would be all that I could include under charge No. 7, excepting that Mr. Eastman said, in connection with his conversation, and laughed about it—not at the time he was at Madison, but at the time I was in Platteville, since the primary—what a clever political deal it was to pick off the Cook men, wherever they could do it, by paying them for their services.

Mr. BRAY. Who did he quit Cook for?

A. Stephenson.

Mr. INGALLS. He told you he quit Cook, did he?

A. That he quit Cook for Stephenson.

Senator MORRIS. Is that the man that got the \$600?

A. No.

I think that is everything he states on the subject. I am not absolutely certain of it; but my recollection is that that is all that he does state.

I wish now to read Mr. Eastman's testimony, briefly, as showing what Mr. Eastman's attention was called to, from page 1301. If the committee has volume 8, page 150, and will let me see it, please, I will read first Mr. Blaine's statement about the matter before this committee. [Reading:]

The CHAIRMAN. What did he say? Just give us his language.

Mr. BLAINE. He met me in Madison and asked me to pull off or to not have the investigation, or not to use my influence for an investigation, because there was a meeting at Platteville, where he was present with some Cook supporters, and that they had changed to Stephenson, and that he got money for changing.

The CHAIRMAN. Did he state from whom he got the money?

Mr. BLAINE. From the Stephenson people.

The CHAIRMAN. From whom?

Mr. BLAINE. Not any individual.

The CHAIRMAN. He did not say from which of the Stephenson people he got money?

Mr. BLAINE. No, sir.

The CHAIRMAN. He did not attempt to name them?

Mr. BLAINE. No, sir.

The CHAIRMAN. On that statement to you you made the seventh specific charge?

Mr. BLAINE. Those were the two things that influenced my mind.

That, you see, is a statement that Mr. Eastman said to him, in substance, that he got money for changing. Mr. Eastman denied the statements of Mr. Blaine so far as they had at that time been made; and I shall be glad to read those statements into the record—they are brief—and then have permission to get Mr. Eastman's statement as to this further charge of Blaine's.

Senator POMERENE. Where is Mr. Eastman now?

Mr. BLACK. I am informed that he is in California.

Mr. LITTLEFIELD. Yes; the information we got was that he was in California.

Senator POMERENE. I forgot that.

Mr. LITTLEFIELD. This is Mr. Eastman's testimony before the joint committee, at page 1301:

Q. Perhaps it is better to put it the other way. What part of Mr. Blaine's testimony do you deny?—A. I deny of ever making any statement about coming to Madison and trying to pull him off of this investigation. I deny of ever making any statement to him of buying Cook's vote, or any others. I deny this discussion wherein he says: "I told them that it was all right, if it was legitimate there would be no dishonor placed upon him; if it was illegitimately used or received by him, that he was entitled to be branded as having been bribed, bought, and purchased." I deny of him ever making any such statement as that to me.

Senator POMERENE. That was before the joint investigating committee?

Mr. LITTLEFIELD. Yes. Now I read from page 1306, about the middle of the page:

Q. Was there anything in connection with the campaign that you wanted concealed?—A. No, sir.

Q. And the only transactions you had had with the campaign was as you have stated?—A. That's all.

Q. You guaranteed \$7.50 for one of Stephenson's supporters?—A. Yes, sir.

Q. And then they sent you that money back, \$7.50?—A. Yes.

Q. That is all the money you ever had?—A. That's all.

And on page 1310:

Q. There is evidence here against you, and therefore I think it is proper and fair for me to ask you whether you received in any other way any consideration whatever,

outside of a direct money consideration, for the support of Mr. Stephenson?—A. I never received any consideration, promise, pledges, or any money, except that money that I guaranteed, that I have referred to.

That would cover the whole ground, except that Mr. Blaine does not state that he received the money. But he does state that Eastman told him that he received it. It is that statement that I want to direct Mr. Eastman's testimony to.

We will submit to Mr. Eastman, as soon as we can get his post-office address, the testimony of Mr. Blaine in this regard, and ask him to state to us what the facts are. Then, if it is agreeable to the committee, we will incorporate that in an affidavit and submit it to the chairman, or we will do our best to produce Mr. Eastman before the committee. We will take either course that the committee indicate they desire us to take.

The CHAIRMAN. An affidavit will first be obtained.

Mr. LITTLEFIELD. Yes; with the understanding, of course, that if, when you get the affidavit, you want anything further, we are subject to the direction of the committee to produce it.

I will ask Mr. Kelly to take the stand.

Senator POMERENE. Before going to his testimony, I should like to make an inquiry. We have this letter from Mr. Edmonds to Senator Stephenson, of August 4, 1908. Is there a reply to this letter?

Mr. LITTLEFIELD. We have not been handed any reply. Mr. Edmonds will be on the stand, and the committee can examine into that question. That is, we shall call him a little bit later.

(Pursuant to authority given by the committee before adjournment that certain affidavits might be taken and inserted in the record as a part thereof, the following three affidavits are submitted:)

STATE OF OREGON, *County of Multnomah*, ss:

I, O. W. Eastman, of Platteville, Wis., on oath depose and say that I have read the testimony which was given by Hon. John J. Blaine before the subcommittee of the Committee on Privileges and Elections of the United States Senate in the Stephenson election case, which testimony reads as follows:

"TESTIMONY OF JOHN J. BLAINE.

The CHAIRMAN. Mr. Blaine, we were examining you on the seventh charge when the committee took a recess. You have said that Mr. Stevens was one of the men to whom you referred under the head of 'divers persons.'

Mr. BLAINE. He was one of the persons referred to in charge 7.

The CHAIRMAN. He was one of those whom you had in mind. What was the name of the other?

Mr. BLAINE. O. W. Eastman.

The CHAIRMAN. Did Mr. Eastman receive any money?

Mr. BLAINE. He told me that he did.

The CHAIRMAN. You made this statement, then, upon Mr. Eastman's statement to you, and did you ask Mr. Eastman as to the basis of his information or statement?

Mr. BLAINE. He received the money himself.

The CHAIRMAN. Did he state from whom?

Mr. BLAINE. Not from whom; just the 'Stephenson' people.

The CHAIRMAN. Did he use the term 'Stephenson people'?

Mr. BLAINE. 'Stephenson people.'

The CHAIRMAN. What did he say? Just give us his language.

Mr. BLAINE. He met me in Madison and asked me to pull off, or to not have the investigation, or not to use my influence for an investigation, because there was a meeting at Platteville, where he was present with some Cook supporters, and that he had changed to Stephenson, and that he got money for changing.

The CHAIRMAN. Did he state from whom he got the money?

Mr. BLAINE. From the Stephenson people.

The CHAIRMAN. From whom?

Mr. BLAINE. Not any individual.

The CHAIRMAN. He did not say from which of the Stephenson people he got money?

Mr. BLAINE. No, sir.

The CHAIRMAN. He did not attempt to name them?

Mr. BLAINE. No, sir."

And that as to said statement the affiant says that he did meet Mr. Blaine in Madison but denies that he asked him to pull off or not to have the investigation or not to use his influence for an investigation, and he denies that he gave the reason stated by said Blaine for such pulling off, abandoning any investigation or failing to use his influence in any investigation; he denies that he told said Blaine that any of Cook's supporters had been changed to Stephenson for any money consideration, and denies that any of Cook's supporters were so changed; and he also denies that he, said Eastman, got any money for changing, or that he stated to said Blaine that he received any money for changing from the Stephenson people.

And the affiant reaffirms the denials which he made in his testimony at Madison as to the conversation which Mr. Blaine alleged he had with the affiant.

And the affiant further says that the only transaction of a financial character that he had with the primary campaign of Senator Stephenson was to guarantee the payment of \$7.50 for one of Senator Stephenson's supporters, that the sum of \$7.50 was advanced by him and afterwards repaid to him, and that with the exception of this \$7.50 he never received or disbursed for or on account of Senator Stephenson's campaign any money at any time.

O. W. EASTMAN.

Subscribed and sworn to before me this 6th day of November, A. D 1911.

[SEAL.]

EMIL S. KARDELL,

Notary Public, Multnomah County, Oreg.

My commission expires November 1, 1912.

AFFIDAVIT OF R. J. FLINT, MENOMONIE, DUNN COUNTY, WIS., UNITED STATES MARSHAL.

STATE OF WISCONSIN, *Dane County*, ss:

R. J. Flint, being first duly sworn, on oath says that he is 69 years of age, and during the 40 years last past has been a resident of Menomonie, Dunn County, Wis., and is by occupation United States marshal for the western district of Wisconsin.

Affiant further states that he did some campaign work in the United States senatorial primary campaign in the year 1908, and was a supporter at all times of Senator Stephenson.

That he received from the campaign committee at Milwaukee the sum of \$80 for use in said campaign. That he distributed the same as follows: He engaged John Hallsteen, a farmer residing in the town of Menomonie, in Dunn County, and a strong supporter of Senator Stephenson, to visit the several towns in said county, circulate campaign literature, lithographs, etc., and personally urge the farmers to attend the primary in the interest of Senator Stephenson. It was agreed that Mr. Hallsteen should devote six days to this work, using his own team and paying his own expenses, at the rate of \$5 per day. For this service Mr. Hallsteen was paid \$30. In addition, he offered to assist in getting voters to the polls in his home town on election day without further compensation. Affiant is informed and believes that Mr. Hallsteen faithfully performed the service and was justly entitled to the compensation paid to him.

The remaining \$50 was paid to Maj. T. J. George of the city of Menomonie, a friend and supporter of Senator Stephenson, who had charge of the campaign in that city: said money to be used in securing workers at the polls in the four wards of the city and in settlement of sundry small bills incurred for posting lithographs, printing sample ballots, etc., in the interest of Senator Stephenson. Affiant is informed and believes said money was used legitimately in the interest of the Senator and for the purposes specified.

Affiant further states that none of the money disbursed by him or anyone else, in so far as he knows, in said Dunn County, in the Stephenson senatorial primary campaign, was disbursed for the purpose of corruptly or unlawfully influencing or bribing any person or persons to vote or work in the interest of Senator Stephenson.

Further than as above stated, this affiant had no financial interest in said campaign although he did whatever personal work he could to further the election of the Senator, whom he has known for many years and between whom there has existed a very warm friendship.

R. J. FLINT.

Subscribed and sworn to before me this 2d day of November, A. D. 1911.

[SEAL.]

CARL P. McASSEY,
Notary Public, Dane County, Wis.

My commission expires July 11, 1915.

STATE OF OREGON, *County of Multnomah, ss:*

Henry Turrish, being first duly sworn, on oath says that he resides at the city of Duluth, in the State of Minnesota, and is by occupation engaged in the lumbering business, and is now at Portland, State of Oregon.

Affiant further says that he was sworn as a witness before a committee of the United States Senate at the Senate Office Building, in Washington, D. C., on Monday, July 17, 1911, and then and there testified as to a conversation which one Wirt H. Cook had previously testified to as occurring between this affiant and one Edward Hines at the Grand Pacific Hotel, Chicago, and that your affiant is informed and believes that the said Wirt H. Cook again testified to the same conversation at a hearing in Milwaukee before a subcommittee of the Senate in the Stephenson election case; that your affiant at said Washington, as aforesaid, testified in relation thereto, on direct and cross examination, as follows:

TESTIMONY OF HENRY TURRISH.

HENRY TURRISH, being duly sworn, was examined and testified as follows:

MR. MARBLE. What is your name, sir?

MR. TURRISH. Henry Turrish.

MR. MARBLE. Where do you live?

MR. TURRISH. Duluth.

MR. MARBLE. What is your business?

MR. TURRISH. Lumbering.

MR. MARBLE. Lumbering?

MR. TURRISH. Yes, sir.

MR. MARBLE. Are you an operator of sawmills?

MR. TURRISH. On the Pacific coast and western Idaho and Oregon at the present time.

MR. MARBLE. Do you know Mr. Wirt H. Cook?

MR. TURRISH. Yes, sir.

MR. MARBLE. Have you had business relationship with him?

MR. TURRISH. A great deal.

MR. MARBLE. Is he a partner of yours?

MR. TURRISH. We are interested in some deals together at the present time.

MR. MARBLE. How long have you been interested with him?

MR. TURRISH. More or less for 15 years.

MR. MARBLE. Are you personally friendly?

MR. TURRISH. Yes, indeed.

MR. MARBLE. Intimate?

MR. TURRISH. Yes.

MR. MARBLE. Do you know Mr. Edward Hines?

MR. TURRISH. Yes.

MR. MARBLE. How long have you known him?

MR. TURRISH. Possibly seven years.

MR. MARBLE. Have you had business relations with him?

MR. TURRISH. No, sir.

MR. MARBLE. Have you had any unpleasantness with him?

MR. TURRISH. Never.

MR. MARBLE. Have you been concerned in the matters in which Mr. Cook has been concerned, and about which he has had trouble with Mr. Hines?

MR. TURRISH. You mean, have I been interested in those companies?

MR. MARBLE. Yes; financially interested?

MR. TURRISH. No, sir.

MR. MARBLE. You have known about the unpleasantness between Mr. Cook and Mr. Hines as it went along?

Mr. TURRISH. Yes, sir.

Mr. MARBLE. Did you know that from Mr. Cook or from Mr. Hines?

Mr. TURRISH. From Mr. Cook.

Mr. MARBLE. Do you know Senator Lorimer?

Mr. TURRISH. No, sir.

Mr. MARBLE. You have no feeling of prejudice or of friendship for him, either?

Mr. TURRISH. No, sir.

Mr. MARBLE. None at all?

Mr. TURRISH. How is that question?

Mr. MARBLE. Have you any feeling of prejudice against him, or of friendship for him, personally?

Mr. TURRISH. No, sir.

Mr. MARBLE. What are your politics?

Mr. TURRISH. I am a Republican.

Mr. MARBLE. Were you in Chicago in the early part of May, 1909?

Mr. TURRISH. Yes, sir; about that time.

Mr. MARBLE. Was Mr. Cook there?

Mr. TURRISH. Yes, sir.

Mr. MARBLE. Were you together?

Mr. TURRISH. A portion of the time.

Mr. MARBLE. Do you recall a conversation between Mr. Edward Hines, Mr. Cook, and yourself, which took place in Chicago in the early part of May, 1909?

Mr. TURRISH. Yes; I remember such a conversation.

Mr. MARBLE. Where did that take place?

Mr. TURRISH. In the Grand Pacific Hotel.

Mr. MARBLE. At what time of day?

Mr. TURRISH. I am not positive of that. I think along about 10 or 11 o'clock.

Mr. MARBLE. Would you say it was in the forenoon?

Mr. TURRISH. Yes; it was some time in the forenoon.

Mr. MARBLE. Can you fix the day, the month, and the year?

Mr. TURRISH. No, sir.

Mr. MARBLE. Or can you fix the year? [After a pause.] I want the conversation that took place early in May, 1909. Can you fix that year and that month as the time of the conversation?

Mr. TURRISH. I can fix the year; yes, sir. I did not know what time it was. I was some time in May, as near as I can remember.

Mr. MARBLE. Do you remember where in the Grand Pacific Hotel you were?

Mr. TURRISH. We were in the corridor of the hotel.

Mr. MARBLE. On what floor?

Mr. TURRISH. On the ground floor.

Mr. MARBLE. Who was there first?

Mr. TURRISH. Mr. Cook and I, as I remember it, were sitting there talking.

Mr. MARBLE. And who came?

Mr. TURRISH. Mr. Hines came in the hotel.

Mr. MARBLE. Mr. Edward Hines?

Mr. TURRISH. Yes, sir.

Mr. MARBLE. Which direction was he coming from? Do you remember?

Mr. TURRISH. No, sir.

Mr. MARBLE. Did he join you there?

Mr. TURRISH. Yes, sir. We stood up, and I think we shook hands with Mr. Hines.

Mr. MARBLE. Then you had a conversation?

Mr. TURRISH. Yes; there was a conversation.

Mr. MARBLE. Will you give us that conversation as nearly as you can?

Mr. TURRISH. I would not attempt to repeat every word that was said. I do not remember all that was said. All I know is just the substance of it.

Mr. MARBLE. Give the substance of it as nearly as you can recall. What was the first subject discussed; do you remember?

Mr. TURRISH. Yes. It was with reference to the condition of the southern pine market.

Mr. MARBLE. Who brought up that subject?

Mr. TURRISH. I think I did.

Mr. MARBLE. Was the tariff discussed in connection with that subject?

Mr. TURRISH. Yes, sir.

Mr. MARBLE. All right. Go ahead and give us the conversation, now, as nearly as you can.

Mr. TURRISH. At that time Mr. Hines had been down to Washington.

Mr. MARBLE. Did he tell you in the conversation he had been to Washington?

Mr. TURRISH. Yes; and I knew in a general way he was down here.

Mr. MARBLE. We want the conversation first, Mr. Turrish.

Mr. TURRISH. We discussed the market conditions. He asked me how I found conditions on the Pacific coast with reference to prices and the demand for lumber. Then the demoralized condition of the southern market was talked over, and the conversation drifted on to the tariff on lumber.

Mr. MARBLE. All right. What was said about the tariff?

Mr. TURRISH. I asked him how he was getting along—what progress he was making down here with the tariff—the tariff on lumber.

Mr. MARBLE. What did he say?

Mr. TURRISH. He did not seem to be very hopeful.

Mr. MARBLE. What did he say? Do you recall what he said?

Mr. TURRISH. The substance of his conversation was that human nature asserted itself in different places when it came to the tariff question; that everybody wanted their individual stuff protected, but they wanted their neighbors' on the free list, or words to that effect; and that human nature asserted itself when it came to that. In the course of the conversation I said to Mr. Hines: "Mr. Stephenson, being a lumberman, is all right, isn't he?" He said: "No; Stephenson is an uncertain quantity"; that he had done business for him for 20 years or more, and that he really did not know where he stood on the lumber question; he was undecided.

Mr. MARBLE. Was there anything further said about Mr. Stephenson?

Mr. TURRISH. No; nothing. That was the substance of what was said.

Mr. MARBLE. All right; what next?

Mr. TURRISH. Then there was some reference made to a Member of Congress who had made a very good argument, who understood the situation pretty well, by the name of Fordney.

Mr. MARBLE. Who made that reference to Mr. Fordney?

Mr. TURRISH. I do not remember whether I did—whether I spoke to Mr. Hines about Fordney's argument or what I had read in the papers about what he had been saying—or whether Mr. Hines mentioned it.

Mr. MARBLE. Very well. What next?

Mr. TURRISH. That is about all that was said.

Mr. MARBLE. Was there any reference to Congressman Lorimer or Senator Lorimer in that conversation?

Mr. TURRISH. Senator Lorimer's name was mentioned.

Mr. MARBLE. By whom?

Mr. TURRISH. It was mentioned by Mr. Hines; and I do not remember whether he said he was a candidate or whether he would be elected or what. My memory is hazy on what was said about it.

Mr. MARBLE. Did he say a candidate for what?

Mr. TURRISH. For the Senate.

Mr. MARBLE. Is your memory clear that he was mentioned in connection with the Senate?

Mr. TURRISH. His name was mentioned, but I can not just place it in what way. Either that he was a candidate, or, I think he said he would be a candidate.

Mr. MARBLE. You think he said that he would be a candidate?

Mr. TURRISH. Yes.

Mr. MARBLE. Are you clear that he was mentioned in connection with the Senate at all?

Mr. TURRISH. Yes, sir; I think so. I think that I spoke about the Illinois deadlock at that time, and I think that is how it came up.

Mr. MARBLE. Then Mr. Hines told you that?

Mr. TURRISH. Well, in the conversation, as I remember it, Mr. Hines said Mr. Lorimer would be a candidate, or was a candidate, or words to that effect.

Mr. MARBLE. Do you remember any reference to Senator Stephenson as "old Stephenson" in that conversation?

Mr. TURRISH. No, sir.

Mr. MARBLE. Do you remember any reference to the southern Democrats or their attitude toward the lumber schedule?

Mr. TURRISH. No, sir.

Mr. MARBLE. Would you say that there was no reference to the southern Democrats and their attitude toward the lumber schedule?

Mr. TURRISH. I did not hear any.

Mr. MARBLE. You did not hear any?

Mr. TURRISH. No.

Mr. MARBLE. You did not hear Senator Stephenson referred to as "old Stephenson"?

Mr. TURRISH. No, sir.

Mr. MARBLE. You are sure of that?

Mr. TURRISH. I am sure.

Mr. MARBLE. Did you hear any reference to Congressman Boutell, of Illinois?

Mr. TURRISH. It seems to me that Congressman Boutell's name was mentioned, but I can not recall in what particular. I think in the course of the conversation his name was mentioned, but I can not recall in what way.

Mr. MARBLE. Do you recall whether or not it was mentioned in connection with the Illinois senatorship?

Mr. TURRISH. I could not tell.

Mr. MARBLE. Do you remember Senator Aldrich's name being mentioned?

Mr. TURRISH. No, sir.

Mr. MARBLE. Would you say it was not mentioned?

Mr. TURRISH. I did not hear it.

Mr. MARBLE. You will say that you did not hear it?

Mr. TURRISH. I did not hear it.

Mr. MARBLE. Did you hear these words, or anything containing the substance of these words, said in that conversation by anybody there present:

"We had Boutell fixed for the senatorship. He had promised to work to keep the \$2 duty, the present duty on lumber; but when the lumber schedule came up before the Ways and Means Committee, Boutell was working for free lumber. I immediately took the matter up with Senator Aldrich, and it was decided that I have a talk with Lorimer. I went to see Lorimer. He will stand pat. He will listen to reason. He will do as he agrees to do. I have got it all fixed. Lorimer will be the next Senator from Illinois."

Mr. TURRISH. I do not recall that.

Mr. MARBLE. You would recall it if you had heard it, would you not?

Mr. TURRISH. I think I should.

Mr. MARBLE. Do you recall any portion of it?

Mr. TURRISH. No, sir. Mr. Boutell's name was mentioned in some way, but I can not say in what particular. I remember his name being mentioned during the conversation.

Mr. MARBLE. Have you discussed that conversation since that time with anyone?

Mr. TURRISH. The first time that there was ever any reference to that conversation, the first time it was ever recalled, was about—I think it was some time in December or the first of January. I was going from Madison to Duluth one evening on the late train, and Mr. Cook was in the buffet car, and he asked me if I remembered the conversation. That was the only time it was ever discussed.

Mr. MARBLE. December of what year?

Mr. TURRISH. This last December.

Mr. MARBLE. December, 1910?

Mr. TURRISH. Yes, sir.

Mr. MARBLE. Were you in Mr. McCordick's office with Mr. Cook at or about that time?

Mr. TURRISH. I have never been in Mr. McCordick's office.

Mr. MARBLE. Did Mr. Cook tell you his memory of the conversation in that talk on that train?

Mr. TURRISH. Mr. Cook that evening repeated a part of the conversation, and wanted to know if I remembered it.

Mr. MARBLE. What did you tell him?

Mr. TURRISH. I told him I had not thought about the matter, and asked him what there was to it, or words to that effect.

Mr. MARBLE. What did you mean by that—what there was to it?

Mr. TURRISH. I did not know why he was recalling the conversation.

Mr. MARBLE. You asked him why he was recalling it. Did he tell you why.

Mr. TURRISH. No; he did not.

Mr. MARBLE. Did he refuse to answer your question?

Mr. TURRISH. Did he refuse?

Mr. MARBLE. Yes; did he refuse to tell you why he was recalling it?

Mr. TURRISH. No; he smiled and said he wanted to see if I remembered it.

Mr. MARBLE. What did he tell you about your memory?

Mr. TURRISH. I did not discuss it very much. We did not go into that thing very far. There were a few words said, and the conversation drifted into another channel.

Mr. MARBLE. Did you tell him that you did not remember it?

Mr. TURRISH. I do not know whether I did tell him I remembered it or did not. I do not believe I said much about it, only I remembered the occasion of our meeting in the hotel.

Mr. MARBLE. Did you tell him that you did remember it?

Mr. TURRISH. I told him that I remembered the occasion of our meeting in the hotel. That was one of the things he wanted to know if I remembered.

Mr. MARBLE. That was all you told him at that time as to the state of your memory?

Mr. TURRISH. Yes.

Mr. MARBLE. Have you talked with anyone else about it since?

Mr. TURRISH. I talked to William O'Brien.

Mr. MARBLE. William O'Brien was not present at the conversation, was he?

Mr. TURRISH. No; that was some time after that; probably it was within the last couple of months.

Mr. MARBLE. What was the occasion of your talking to William O'Brien?

Mr. TURRISH. Mr. O'Brien told me that I was liable to be a witness in this case, and the conversation started from that.

Mr. MARBLE. Where was this conversation with Mr. O'Brien?

Mr. TURRISH. It was in my office.

Mr. MARBLE. And did Mr. O'Brien ask you if you had had such a conversation?

Mr. TURRISH. Mr. O'Brien spoke about Mr. Cook and asked if I had had this conversation.

Mr. MARBLE. What was it that he said to you?

Mr. TURRISH. He asked me just what I remembered about it?

Mr. MARBLE. What did you tell him?

Mr. TURRISH. I told him, practically as I have to-day, just what I remembered. I told him I was not particularly interested, and I made no note or memoranda of any kind, but I could not repeat everything that was said.

Mr. MARBLE. What did Mr. O'Brien say then? I want to exhaust that conversation as quickly as possible.

Mr. TURRISH. I do not just remember every word that was said. We discussed the thing pro and con and one thing and another—several subjects.

Mr. MARBLE. What was the substance of it?

Mr. TURRISH. There was nothing further than that said with reference to the conversation. He also mentioned his position with reference to a telephone communication, or something, in a room.

Mr. MARBLE. What did he say about that?

Mr. TURRISH. He said that he was not paying any attention.

Mr. MARBLE. He said that he was not paying any attention to what?

Mr. TURRISH. That he did not pay any attention to what was said—the conversation in the room.

Mr. MARBLE. Did he say anything else than that?

Mr. TURRISH. He said that Mr. Cook seemed to remember everything.

Mr. MARBLE. Was he expressing some surprise at the extent of Mr. Cook's memory?

Mr. TURRISH. Did he?

Mr. MARBLE. Yes.

Mr. TURRISH. No; he did not seem to.

Mr. MARBLE. Was there any reflection on Mr. Cook carried in your mind by that remark?

Mr. TURRISH. No; he did not say anything against Mr. Cook.

Mr. MARBLE. That is all that he said about the telephone conversation?

Mr. TURRISH. Yes.

Mr. MARBLE. And that is all that you told him about this conversation at the Grand Pacific Hotel?

Mr. TURRISH. Yes, sir.

Mr. MARBLE. Did you talk to anyone else about that conversation at the Grand Pacific Hotel?

Mr. TURRISH. No; I do not think I did.

Mr. MARBLE. After your name was used at the Helm inquiry, did you talk to anyone then about your memory of that conversation?

Mr. TURRISH. I was on the Pacific coast at that time.

Mr. MARBLE. I know; but did you talk to anyone about your memory of the conversation?

Mr. TURRISH. No, sir; I did not.

Mr. MARBLE. Nobody at all?

Mr. TURRISH. No.

Mr. MARBLE. Did anyone communicate with you regarding it?

Mr. TURRISH. No, sir.

Mr. MARBLE. Did Mr. Cook communicate with you?

Mr. TURRISH. No, sir; he did not.

Mr. MARBLE. Or Mr. Hines?

Mr. TURRISH. No, sir.

Mr. MARBLE. Or anyone acting for either?

Mr. TURRISH. No, sir.

Mr. MARBLE. That is all.

Mr. HYNES. That is all.

The CHAIRMAN. The witness may be excused.

Affiant further says that the testimony, so given by him as aforesaid, was and is true.

HENRY TURRISH.

Subscribed and sworn to before me this 9th day of November, A. D. 1911.

[SEAL.]

EDWIN B. FAULKNER,

Notary Public, Multnomah County, Oreg.

My commission expires August 28, 1913.

TESTIMONY OF JOHN T. KELLY.

JOHN T. KELLY, having been duly sworn, was examined and testified as follows:

Mr. LITTLEFIELD. Mr. Kelly, you are a member of the bar?

Mr. KELLY. I am.

Mr. LITTLEFIELD. And reside in Milwaukee?

Mr. KELLY. Yes, sir.

Mr. LITTLEFIELD. Of course, this is quite leading, and if the committee think it is too much so I will change the form of the questions; but I am doing it to save time.

The CHAIRMAN. The rule will not be strongly drawn on counsel.

Mr. LITTLEFIELD. You have resided here how long, Mr. Kelly?

Mr. KELLY. About 25 or 30 years.

Mr. LITTLEFIELD. You were residing here in 1908, were you?

Mr. KELLY. I was.

Mr. LITTLEFIELD. The account filed by Mr. Sacket with the joint investigating committee shows a payment of \$500 to you under date of August 6, 1908. Would you like to explain to the committee the circumstances under which it was paid, and the purpose for which it was paid? If so, please state it fully, in your own way.

Mr. KELLY. I would.

After Mr. Stephenson announced his candidacy in June, I wrote a communication that was published in the Free Press, on the 29th day of June, 1908, I think, announcing my support of Mr. Stephenson. Later on, on this date, on the 6th of August, 1908, I was sent for by Mr. Edmonds, who desired me to make some addresses for Mr. Stephenson in the campaign. I told him my work was such at that time that I could not very well pledge my time; that I was willing to make a few speeches for Mr. Stephenson without any compensation, but I would have to know some time in advance so that I might arrange my business to attend the meetings. He said he would like to have all the time that I could give; and as I figured it out then, it was only about 15 to 18 days.

The result of our conversation was that they were to get up meetings that I was to address; and Mr. Edmonds gave me a check for \$500, without stating anything concerning the amount of money or the amount of compensation that I was to have for these addresses. Subsequently it developed that only two meetings were held in the primary campaign at which I was present. One was in West Allis, at which I made an address in Mr. Stephenson's interest—a well-attended meeting presided over by Mr. William Knell, who was managing his campaign here, where I spoke perhaps an hour and a half. Another meeting was at North Milwaukee and was poorly attended, there being

probably not more than 30 or 35 voters present. The meetings turned out to be a failure, and no more were held.

At the close of the primary I spoke to Mr. Edmonds about the matter, saying that it seemed our arrangement concerning the meetings had fallen through and that I felt I had not given value for the money I had received, to say nothing about what might have been intended to have been paid to me. Mr. Edmonds said, "That is all right; we shall need some more meetings during the campaign for the election." Mr. Edmonds had been appointed chairman of the Republican State central committee. During the campaign he told me to report, I think, to Mr. Overbeck, who would have charge of the speakers. During the campaign I made three addresses—one at Chilton, Wis., one at Marshfield, Wis., and one at Marinette. I had to travel across the State. In the case of the meeting at Chilton I went and came back again. In the case of the meetings at Marshfield and Marinette, I made the addresses upon one trip.

At these meetings I paid my own expenses, traveling and otherwise, and made these addresses. Just after the election, when headquarters were closed up here in the Plankinton House, I met Mr. Edmonds the day he was going away from Milwaukee to his home in Appleton. I had been trying to see him for some days, but had not seen him. I said, "Mr. Edmonds, I feel that I have not given the service for the \$500 that I should have given." I figured that that money would be charged up to Mr. Edmonds in his conduct of the Stephenson campaign in the primary canvass. I said, "I ought to return it." He said, "Don't you mind about that. We are perfectly satisfied." I said, "I do not think that is right. I do not want Mr. Stephenson to think I am trying to hold him up or to take money from him for which I have not given due service." He said, "Never you mind about that. I am coming back to Milwaukee, and I will be here next week, and several times, and we will talk about it later."

I never saw Mr. Edmonds at any time after that. He was here, but the announcement that he had gone home was the first knowledge I had that he was here. The discussion concerning the investigation came on; and I think on the 11th day of February, 1909, the date on which it appears from the testimony given here to-day Mr. Edmonds's account was filed at Madison, I mailed my check to Mr. Edmonds at Appleton, Wis. In the course of the mail it came back to me.

MR. LITTLEFIELD. For how much was that check?

MR. KELLY. \$500. In the course of the mail it came back; I think, the next day. Mr. Edmonds stated that his accounts had been turned in, and it was all right.

That is the history of the whole transaction of my labors and work in connection with it. I asked permission of counsel to come here and make this statement, for the reason that the newspaper reports of this hearing appear to indicate that I had received this money and had given no service whatever for it.

MR. LITTLEFIELD. Is that all you desire to state in relation to it?

MR. KELLY. Yes.

MR. LITTLEFIELD. That is all.

THE CHAIRMAN. I have no questions.

LETTERS OF ISAAC STEPHENSON.

Mr. LITTLEFIELD. Mr. Chairman, I have here the letter book of Senator Stephenson, and I wish to introduce some letterpress copies of certain letters.

Senator POMERENE. I suppose you have made no effort to get the original letters? Of course I am not objecting on that score.

Mr. LITTLEFIELD. No; I have not. We produced this letter book at the suggestion of the committee, and in looking it over I see some letters which it seems to me ought in fairness to Senator Stephenson to be in the record.

Senator POMERENE. I presume the Senator will say that these letters were sent as they were written.

Mr. LITTLEFIELD. Oh, yes; I will ask him about that. The letters that I wish in the record are as follows, being on pages 821, 822, 823, and 824 of the letter book:

MARINETTE, WIS., October 26, 1908.

Mr. RICHARD KOEBKE,

Chairman Republican County Committee, Antigo, Wis.

DEAR SIR: I have your letter of the 25th instant and note what you say regarding the political situation in Langlade County.

Of course, you know that in the position I am now, I can not aid in the election of any candidate for the legislature, but I have forwarded your letter to Mr. Edmonds, of the State central committee, asking him if he can not give you some assistance.

Hoping that the Republican ticket will be carried in your county, I am,

Yours, truly,

ISAAC STEPHENSON.

MARINETTE, WIS., October 27, 1908.

Mr. T. E. WAKEFIELD,

Secretary Taft and Sherman Club, Tomahawk, Wis.

DEAR SIR: I have your letter of the 26th instant and note what you say regarding the political situation in your district.

As I am situated I can not contribute anything toward the election of any candidate for the legislature, as it is against the law. I have therefore referred your letter to Mr. Edmonds, of the State central committee, who, I hope, will be able to assist you.

Yours truly,

ISAAC STEPHENSON.

MARINETTE, WIS., October 29, 1908.

Mr. WALTER ALEXANDER,

Wausau, Wis.

MY DEAR SIR: I have your letter of the 27th instant and note what you say regarding matters in your county.

Of course, in the position that I am now, I can take no part in the election of any candidates for the legislature; you would better communicate with Mr. Edmonds, of the State central committee.

Inclosed please find my check for \$588.30 in payment of the account which you sent me; it is not necessary for you to itemize the account.

I feel very grateful to you, Walter, for the interest you have taken in my canvass and for the effective work which you have done in my behalf.

I think that the national ticket will be elected and also the State ticket. I hope that your Republican county ticket will be elected also.

With kind regards, I am,

Yours, very truly,

ISAAC STEPHENSON

MARINETTE, WIS., October 30, 1908.

Mr. _____,

Chairman Republican County Committee,

Dodgeville, Wis.

DEAR SIR: I am in receipt of your letter of the 29th instant and note what you say regarding the political situation in your county.

As I am a candidate for the United States Senate, I can not, under the law, give any assistance toward the election of any candidate for the legislature.

I have forwarded your letter to the State central committee, which will be able to help you.

Yours, truly,

ISAAC STEPHENSON.

I ought to state, for the benefit of those who read the record hereafter, that the section of the letter which I have just read and which is left blank, is left so because the copy was not perfect, and I am unable to decipher it.

Is Mr. Riordan in the room? If he is, I will call him to explain some small items.

The CHAIRMAN. Is Mr. Riordan present?

(There was no response.)

PROPOSED TESTIMONY OF MR. COWLING

Mr. LITTLEFIELD. Very well, Mr. Chairman; I will proceed. For the reasons indicated on the slip which I have handed to the committee, I had intended to use Mr. Cowling as my last witness, preceding Senator Stephenson, who will close the testimony so far as we are concerned. Mr. Cowling is anxious to get away today, and so, if I may be permitted, I will have him sworn now.

The CHAIRMAN. The Chair desires to state to counsel that the committee will not hear testimony of an expert as to the cost of running a campaign, when the inquiry which we have been making is based upon a definite statement of facts.

Mr. LITTLEFIELD. I should like to state to the committee the purpose for which I offer this, and the circumstances under which I offer it, and then get the judgment of the committee as to whether I bring myself within any proper legal rules. Having done so, if the committee feel that the evidence is not competent, of course I shall not go to the trouble of formally presenting the witness. The suggestion has been made, or at any rate, it may be made, that the aggregate amount of expenditures made by Mr. Stephenson is very large—so much so as to create a presumption of improper or unlawful expenditure.

The CHAIRMAN. Where was that statement made?

Mr. LITTLEFIELD. I think it was made in the beginning of the investigation.

The CHAIRMAN. The newspapers misquoted the chairman as saying that, but the word "presumption" was not used.

Mr. LITTLEFIELD. Of course the chairman understands that I have no criticism to make of the committee, but what I wish to do is this: We discussed this matter more or less at the time it was brought up. I desire to do everything that not only is incumbent upon me, but that is within the proper legal scope of an investigation, to reach any question that may possibly be raised. If it be true that it is open for any gentleman who later on has the responsibility of passing upon this matter to suggest that a presumption does arise by reason of the size of the expenditure, then it seems to me it is competent for me to show by a man who is an expert that that is not so.

I do not think I would have any difficulty in satisfying the committee that Mr. Cowling, who was the manager for Mr. Cook in two campaigns, and who has gone over the details very thoroughly, and who is familiar with campaigns of this character, is a competent expert. I do not offer the testimony from Mr. Cowling, although I would expect to show that the legitimate expenses of running a campaign, or of producing the best ultimate results, would aggregate in the neighborhood of \$180,000 or \$190,000. I do not expect to

show that for the purpose of justifying the details of the expenditures made by Senator Stephenson in this campaign. I do not think that has any probative force in that direction. I do not think it is competent for us, by showing that some other man might have made the same expenditures in other ways, to show that Senator Stephenson legitimately expended what he did expend. But if it is open for anyone to suggest that this large expenditure gave rise to any presumption which should be overcome, then it seems to me it is competent for us upon that branch of the case to show that a legitimate expenditure of a larger sum would be involved in a proper and legitimate campaign.

It is for the purpose of rebutting the general presumption that I offer this testimony; not for the purpose of justifying the expenditures. I am prepared to show that, and I think I can do it to the satisfaction of the committee. It is offered only for the purpose of combating any presumption or assertion that may be made that the amount that has been expended is so large that upon its face it gives rise to the presumption of improper and unlawful expenditure.

The CHAIRMAN. The committee will not hear expert testimony on that question. In the earlier stages of the investigation the chairman of the committee stated that when a large sum of money had been expended it called for an explanation. That does not mean that a presumption of the character you suggest arises at all. It might call for an explanation if a small sum had been expended and it was charged that it had been wrongfully expended. The committee will not hear the testimony.

Mr. LITTLEFIELD. Then I will be excused for calling it up in this way. I wanted to relieve Mr. Cowling. I feel very strongly as to its admissibility, but of course it is for the committee to say. Under the circumstances I will excuse him.

The CHAIRMAN. He may be excused.

Senator POMERENE. I take it you have not any textbooks on the subject of expert testimony that would justify the class of evidence to which you refer?

Mr. LITTLEFIELD. I will say that I have not examined that question, but I shall examine it. When I submit my brief, if there are authorities upon that proposition, I shall take occasion to see that they are included within the brief. I feel very strongly that the evidence is competent, but whether the authorities would justify it is a matter that I shall investigate later. I shall be glad to give the committee the benefit of my research. If it should turn out that the evidence is admissible, it would be somewhat embarrassing for me not to be permitted to produce it.

Senator POMERENE. The committee will accept the responsibility for its ruling.

The CHAIRMAN. That same question arose in another case. It was asserted that the atmosphere was such as to lead to certain conclusions; and in the particular case which I have in mind the committee replied that it would not investigate the atmosphere.

Mr. LITTLEFIELD. This testimony would not be as thin as air. Then I take it that Mr. Cowling may be excused?

The CHAIRMAN. Yes.

Mr. LITTLEFIELD. I will ask Mr. Edmonds to take the stand then.

TESTIMONY OF E. A. EDMONDS—Resumed.

MR. LITTLEFIELD. Mr. Edmonds, have you a memorandum showing the manner in which you disbursed the \$5,000 that was given to you by Mr. Stephenson in a check for use in his campaign?

SENATOR POMERENE. Did not Mr. Edmonds render a statement as to that when he was upon the stand before?

MR. LITTLEFIELD. No. The examination of Mr. Edmonds was confined wholly to Exhibit 49, and that does not include the \$5,000 check. These are items that were not gone over.

SENATOR POMERENE. There was some explanation made before the committee.

MR. LITTLEFIELD. There was some talk about it.

SENATOR POMERENE. There was some testimony to the effect that he had expended a certain amount, and returned to Mr. Stephenson a check for four or five hundred dollars.

MR. LITTLEFIELD. Yes; but nothing was said as to the items.

MR. EDMONDS. I have here what purports to be a correct statement. It was handed to me by Mr. Black.

SENATOR POMERENE. Was he your bookkeeper in this matter?

MR. EDMONDS. No. He made the statement that this memorandum was the original on which he made notations when I testified before the committee in Madison.

MR. BLACK. That is merely a list of checks.

MR. LITTLEFIELD. This comes to the same result, except that it does not give the balance, according to the recollection of Mr. Edmonds. He paid over to Mr. Stephenson something like \$459, as I understand.

MR. EDMONDS. Yes.

MR. LITTLEFIELD. These details do not appear in the record. Just state how that \$5,000 was disposed of, or disbursed.

MR. EDMONDS. Yes, sir.

MR. LITTLEFIELD. Go through with the dates and the amounts, and make a brief explanation of each item, so far as it calls for an explanation.

MR. EDMONDS. On the 22d day of July, \$1,000 was given to D. E. Riordan. It was sent to him at Eagle River by express, and is a part of the \$3,200 which I understand he testified to as having received. I would like to make the statement there that my recollection is that it was \$2,300, but I find on examining the records that he received \$1,300 at one time. On the 30th of July, S. L. Perrin, \$1,000. That was sent to Superior. On the 29th of July, cash, E. A. Edmonds, \$500. That was given to Mr. Overbeck. I do not recall that as being a cash item, but it was given to Mr. Overbeck for use in Door and Kewaunee Counties. On the 1st of August there is an item of \$250 for William Haslam for use in Brown County. On August 27, S. J. Eppling, \$25. August 29, William R. Knell, \$300. September 3, E. J. Halbert, \$150. On September 8 I find a notation, "no check, only a stub." That is for \$50. The money was for Henry Grass, of Sturgeon Bay. September 8, L. B. Dresser, \$250. On the 11th, E. J. Herrel, \$25.

MR. LITTLEFIELD. What was that payment for?

MR. EDMONDS. I have no distinct recollection of that, but I think he is a newspaper man. On the same date, Gilpin & Gilpin, \$25.

The notation here is that it is a newspaper at Osceola. On the same date, R. D. Shipman, \$30. I have no recollection of that, or as to who he is. On the same date, L. A. Calkins, \$210. He was the manager in charge of the Brown County campaign. On the same date, J. H. McGowan, \$15.

Mr. LITTLEFIELD. What was that for?

Mr. EDMONDS. That was for work in the campaign. No arrangement was made; but may I state that at some time during the campaign I telephoned to him, as I recall, and this money was paid to reimburse him for such work as he performed. On the same date, Pat Dormady, \$25, Ashland. On the 16th, E. G. Halbert, \$45.

Mr. LITTLEFIELD. What were those items for?

Mr. EDMONDS. Mr. Halbert is one of those who has been designated as a scout in different parts of the city. D. J. O'Connor, \$307.30. That was for work in Outagamie County. He has testified to that, I believe. On the 17th, James W. Stone, \$349.30. October 6, M. R. Mason, \$3.37. Mr. Mason was at Prairie du Chien. I do not remember the item. The total amount of these expenditures is \$4,754.97. C. E. Morley, of Viroqua, returned \$200 that had not been used. That amount, therefore, was added to the \$5,000 that was deposited, making a total deposit of \$5,200. The expenditures amounted to \$4,754.97, and the difference is \$545.03, which is the amount, I believe, that was returned to Senator Stephenson.

Mr. LITTLEFIELD. With the exception of the \$50 check to Brassey, have you the checks that correspond to all these payments?

Mr. EDMONDS. I did not know that I had; no. I may have. I did not know it.

Mr. LITTLEFIELD (producing papers). Does the committee want those in?

Mr. BLACK. They are already in.

Mr. LITTLEFIELD. They are all there except the check to Brassey.

The CHAIRMAN. It is not necessary to encumber the record with them.

Mr. BLACK. Those are the checks which were turned over to the secretary this forenoon.

Mr. LITTLEFIELD. I will submit them for the inspection of the committee. I will say that we offer the original checks for all these disbursements except the disbursement of \$50 to Mr. Brassey, which check we are not able to find.

Did you have an account, Mr. Edmonds, carried under the title of "E. A. E. No. 2," in the Marshall & Isley Bank?

Mr. EDMONDS. If I had been asked about it two weeks ago, I should have said "No." But from the fact that such an account is found on their books, I know it to be true; and that brings it to my attention that it is true, because I have seen the checks.

Mr. LITTLEFIELD. Without stopping to go into that in detail, I will ask whether you have taken this account that you find in the Marshall & Isley Bank, and compared it with the items of disbursement that appear in Exhibit 49?

Mr. EDMONDS. I have taken the transcript from the books of the Marshall & Isley Bank, as furnished to me by the officers, of the "E. A. Edmonds Account No. 2," and have checked every item on that transcript and in that account. I have checked it against the

items in Exhibit 49, and find that every item in this statement is included and has been sworn to previously by me.

Mr. LITTLEFIELD. And the list which you submit with the account from the Marshall & Isley Bank gives the dates, names, and amounts that correspond with the items in Exhibit 49?

Mr. EDMONDS. Yes, sir; I had that made from the report.

Senator POMERENE. Where are the checks?

Mr. LITTLEFIELD. Those checks we could not find. We could not find either those or the stubs. As we understand, they were among the papers that were delivered to the committee in Madison, and we have not been able to find them since.

Mr. BLACK. Yes; Exhibits 50 to 59.

Senator POMERENE. Were they testified to before the committee at Madison?

Mr. BLACK. Oh, yes, sir.

Mr. LITTLEFIELD. Did this account go in before that committee? I do not remember whether it did or not.

Senator POMERENE. My reason for asking that was that the witness just said that if he had been asked about it a little while ago, he would have denied that there was such an account.

Mr. EDMONDS. Yes, sir; I had entirely forgotten about that account.

Senator POMERENE. Your statement that the checks were on file over there led me to believe that perhaps Mr. Edmonds had testified to it before.

Mr. LITTLEFIELD. What is your recollection about that?

Mr. EDMONDS. Yes, sir; I am quite sure the checks were put in at that time. As to just what the testimony was, I do not know; I have not gone over it.

Mr. BLACK. He was examined at length before the other committee in regard to that.

Mr. LITTLEFIELD. This statement of the account of "E. A. Edmonds No. 2," and the detailed memoranda showing the items in Exhibit 49 that compare with and complement this transcript from the books of the bank, make no change in Exhibit 49, do they?

Mr. EDMONDS. No, sir.

Mr. LITTLEFIELD. That is, they appear on both sides.

Senator POMERENE. What is the aggregate amount of these deposits?

Mr. EDMONDS. \$5,827.68. Those are part of the items marked, in Exhibit 49, "E. A. E.," and not numbered by cashier's checks.

Senator POMERENE. Does that statement show the deposits from time to time?

Mr. EDMONDS. Yes, sir.

Mr. LITTLEFIELD. Yes, sir; it shows everything.

Senator POMERENE. Let me see it.

Mr. LITTLEFIELD (handing up statement). There are some individual deposits here. That is, it shows the daily deposits. I looked over these with Mr. Puelicher myself—quite a part of them; and some of these deposits are made up of three or four deposits on the same day. For instance, that item of \$75 may be made up of \$50 and \$25.

Senator POMERENE. Here are eight deposits.

Mr. LITTLEFIELD. Yes.

Senator POMERENE. That is, one of those totals might be composed of several checks or items?

Mr. LITTLEFIELD. No; what I was looking at was the checks drawn; and if three or four checks came in they were aggregated in one sum. I was looking at the wrong side of the account.

The CHAIRMAN. That is quite a usual thing for banks to do.

Mr. LITTLEFIELD. Yes. I was going to let him explain about it, because here is where some of these cashier's checks were used.

Do you recollect, Mr. Edmonds, whether any cashier's checks that had been issued by the Marshall & Isley Bank to parties whose names you gave them to issue checks to were used by you as deposits in this account?

Mr. EDMONDS. My recollection is not very clear as to that, but I think that is true.

Mr. LITTLEFIELD. Just explain to the committee, briefly, the circumstances under which you would use cashier's checks of that character.

Mr. EDMONDS. Along toward the close of the campaign I had made certain obligations which were somewhat indefinite with men who were working in different parts of the State. Knowing that I would be called on to make good those agreements as to the expenditure of money by the men with whom I had made agreements, I protected myself by making out a list of the amounts, as nearly as I could recall them, which might have to be paid to these individuals; and I received from the bank cashier's checks for the various amounts. When the actual bills or the actual statements from these men, either by word of mouth or by letter, came to me, in several instances they were not the same. For instance, in the case of one man I have in mind, Congressman Morse, I drew a check for \$200, or had a cashier's check given to me, written out to the order of Mr. Morse; and when his bill came in, or when his letter came in telling me the amount we owed him, it was \$27—either that exactly or a few cents over. I then took that check for \$200, the cashier's check, and deposited it in account No. 2, and gave a check, as you will find here, for \$27. In other words, this account was a sort of a clearinghouse at the last end to clean up affairs.

Mr. LITTLEFIELD. When cashier's checks were handed to you under those circumstances and indorsed by you, were they in all cases checks that had not been delivered to the payees?

Mr. EDMONDS. Certainly.

Senator POMERENE. That is to say, if you made a sort of a contingent or conditional contract with Jones to-day for \$100, you would draw a check to his order for \$100, and then deposit it to the credit of this account?

Mr. EDMONDS. Yes. For instance, if I had made an agreement with Jones for \$400, and had paid him some money on account, and my recollection was that we might owe him \$100 more, I would have a cashier's check given me, made out payable to him, for the \$100. Then, if that was not the proper amount, later I deposited that \$100 and paid him what the amount should be by giving him a check against this No. 2 account.

MR. LITTLEFIELD. Or I suppose you would use this check for other purposes, in case you had occasion to—that is, the proceeds of the check?

MR. EDMONDS. Yes, sir. I want to say that every one of these deposits is included in the report or Exhibit 49.

THE CHAIRMAN. They are redeposits of the funds that you had drawn out; are they?

MR. EDMONDS. Yes, sir.

MR. LITTLEFIELD. All the deposits there are not of that character, I take it, are they—or do you not remember?

MR. EDMONDS. I am unable to state now.

MR. LITTLEFIELD. You are unable to state in detail. If the committee please, I will not stop to go over this detail, because it will harmonize itself with the account. We will put in the transcript from the bank's books, and the memorandum showing the items in Exhibit 49 that correspond with the account No. 2.

THE CHAIRMAN. They will be marked as exhibits in connection with Mr. Edmonds's testimony.

SENATOR POMERENE. They prove themselves, do they, as to amounts?

MR. LITTLEFIELD. Yes, sir.

(The papers referred to were marked, respectively, "Exhibit Edmonds No. 100, October 31, 1911," and "Exhibit Edmonds No. 101, October 31, 1911," and are as follows:)

EXHIBIT EDMONDS No. 100, OCTOBER 31, 1911.

Sheet No. 1. Marshall & Isley Bank. Account No. Milwaukee, Wis. Name, E. E. Edmonds. Address, a/c #2.

Business, 1908.

Date.	Deposits.	Checks.	Balance.	Date	Deposits.	Checks.	Balance.
July 17.....		\$150.00	\$150.00	August 31.....		\$212.00	\$875.00
18.....	\$500.00		350.00		\$900.00		1,771.00
21.....	500.00		850.00	September 2.....		1,183.00	588.00
23.....		100.00	750.00	3.....		165.00	423.00
24.....		100.00	650.00	4.....		73.00	350.00
25.....		50.00	600.00		1,050.00		1,400.00
27.....		250.00	350.00	5.....		465.00	935.00
28.....		25.00	325.00	8.....		327.50	607.50
29.....		25.00	300.00	9.....		471.58	135.92
August 8.....		500.00	200.00	10.....		152.00	16.08
18.....		400.00	600.00	12.....		225.00	241.08
19.....	700.00		100.00	14.....		47.00	288.08
	375.00		475.00	15.....		14.75	302.83
		300.00	175.00	16.....		64.85	367.68
26.....		175.00		17.....		110.00	477.68
29.....		5.00	25.00	18.....	502.68		25.00
		50.00	75.00	19.....		25.00	
	1,300.00		1,225.00				
31.....		50.00	1,175.00		5,827.68	5,827.68	
		92.00	1,083.00				

I hereby certify that the above is a correct copy taken from the original ledger sheet.

(Signed) FRANKLIN RAAB,
Auditor, Marshall & Isley Bank.

OCTOBER 27, 1911.

Ex. EDMONDS No. 101.

OCTOBER 31, 1911.

July 18.	General organizing.....	\$150.00
22.	Stamps.....	200.00
	G. Peterson.....	25.00
24.	J. Wypszinski.....	25.00
27.	Dr. Frank.....	150.00
	C. C. Wayland.....	100.00
Aug. 6.	J. T. Kelly.....	500.00
14.	Trempealeau County.....	375.00
	General organizing.....	25.00
18.	General organizing.....	100.00
19.	General organizing.....	200.00
26.	General organizing.....	200.00
	General organizing.....	175.00
28.	George Beyer.....	100.00
	W. B. Raymond.....	42.00
	Wagner & Jenkins.....	500.00
	O. L. Gust.....	18.00
	A. R. Ames.....	50.00
	L. F. Johnstad.....	100.00
	Rasmussen Publishing Co.....	200.00
	General.....	15.00
	General.....	20.00
	A. W. Barber.....	15.00
29.	J. R. Jones.....	100.00
	Geo. Beyer.....	300.00
	A. T. Hulbert.....	100.00
	J. N. Reese.....	50.00
	E. F. Scherbel.....	32.08
31.	R. H. Morse.....	250.00
	M. P. Edwards.....	12.00
	General.....	200.00
	H. Bowman.....	20.00
	J. T. Joyce.....	50.00
	H. H. Morgan.....	73.00
	George T. Kispert.....	50.00
	M. T. Park.....	15.00
	C. C. Wayland.....	300.00
	M. C. Ring.....	125.00
	D. H. Grady.....	15.00
	J. R. Jones.....	150.00
	C. E. Smith.....	56.00
	E. A. Johnstone.....	50.00
	M. E. Rank.....	22.50
	L. H. Stevens.....	200.00
Sept. 5.	J. R. Jones.....	183.50
	E. A. Morse.....	27.00
	E. W. Plughoeft.....	125.00
	W. V. Jones.....	30.00
	G. A. Dettman.....	25.00
	J. H. Frank.....	225.00
11.	J. J. Kanelling.....	14.75
	Hooper.....	64.85
	Wm. Hallem.....	47.00
	Rock Flint.....	80.00

5, 827. 68

Mr. LITTLEFIELD. Mr. Black advises me that the cashier's checks which were used in the manner indicated are now already in the case as Exhibit 61.

Mr. BLACK. No; the committee has those checks.

Mr. LITTLEFIELD. The committee has them. The stubs which correspond with the checks drawn on account No. 2, as I understand it, were delivered to the committee in Madison. They are not in the box. We hunted for them.

The CHAIRMAN. We have Senator Stephenson's checks; I had them here this morning.

Mr. LITTLEFIELD. Yes.

The CHAIRMAN. We have certain exhibits; but they will be examined and compared, and the report will show which ones are missing and which are accounted for.

Mr. LITTLEFIELD. Yes.

The CHAIRMAN. It is not necessary that that should come through the medium of testimony, because we have them as exhibits in the case.

Mr. LITTLEFIELD. Yes. They appear on the list of exhibits that were filed before the committee at Madison, but in some way they have gotten lost in storage, and have not been brought down here.

The CHAIRMAN. I will call counsel's attention here to the fact that we find an enumeration of all of these vouchers and exhibits that were brought down by Mr. Essmann in volume 10 of the testimony, given on October 12, commencing at page 234. It will afford very convenient reference in determining whether or not they are already in.

Mr. BLACK. Exhibit 61 in the list which the chairman has is the cashier's checks which Mr. Edmonds redeposited.

The CHAIRMAN. They were produced by Mr. J. H. Puelicher. They are on page 1249 of the testimony. The exhibit number is 61—a bundle of checks produced by J. H. Puelicher.

Mr. BLACK. Those are the cashier's checks that were indorsed by Mr. Edmonds, and redeposited.

The CHAIRMAN. Counsel will find this quite elaborate. These are already before the committee; so that it would be unnecessary duplication to reintroduce them.

Mr. LITTLEFIELD. Yes, Mr. Chairman.

Mr. BLACK. Mr. Essmann reported that Exhibits 50 to 59 are missing.

The CHAIRMAN. Exhibits 50 to 59, he reports, are the stubs of cashier's checks produced by J. H. Puelicher.

Mr. BLACK. Yes; but at the close, or somewhere in his testimony, he reports those missing.

The CHAIRMAN. That is noted. The missing vouchers are all accounted for. That is to say, notice is taken of them.

Mr. BLACK. Yes; but they are among the ones which he was unable to find in the box.

The CHAIRMAN. The record shows that.

Mr. BLACK. Yes; the record shows that. Those are the stubs of the checks which Mr. Edmonds drew against this No. 2 account.

The CHAIRMAN. They are already in.

Mr. LITTLEFIELD. Mr. Edmonds, will you state to the committee, in the first place, when you left Milwaukee after the close of the campaign? I think you stated in your testimony the other day that your recollection was that it was the 5th. Have you since refreshed your recollection, so that you desire to make any change in that statement? If so, how?

Mr. EDMONDS. My statement regarding that date was due to the fact that I saw that certain checks had been written on the 5th; and not knowing the exact date of the election, I took it for granted that I left on that date. I am quite positive that I left the second day after the election; and while I have not looked it up, I am informed

that the election took place on Tuesday, the 1st of September. That would mean that I left on Thursday.

Mr. LITTLEFIELD. Can you give me the name of the banker who was the organizer in Juneau County?

Mr. EDMONDS. It was furnished me. Mr. W. F. Windsor, I think.

Mr. LITTLEFIELD. Of Mosinee?

Mr. EDMONDS. Of Mosinee.

Mr. LITTLEFIELD. I put in a little while ago a copy of your letter to Senator Stephenson, written in relation to the question of additional funds. Have you the Senator's reply to that?

Senator POMERENE. On August 4, 1908.

Mr. LITTLEFIELD. Yes; it is the one you asked about the reply to.

Mr. EDMONDS. I do not recall that he ever replied to that, except by telephone.

Mr. LITTLEFIELD. Oh; he did not reply to it except by telephone?

Mr. EDMONDS. I do not recall any reply, and I have not any.

Mr. LITTLEFIELD. Will you be kind enough to state to the committee your recollection of the condition of affairs in the office when you left it, with reference to the disposition of the correspondence and the poll lists?

Mr. EDMONDS. My testimony several weeks ago refers entirely to the correspondence or papers or material which was on my desk in my room. The main body of the correspondence was kept in the larger office, as were also any files or papers or records or lists of names, etc.

I left, as I think, on the 3d of September, which was the second day after the election. I wrote a letter to Senator Stephenson on the last afternoon, telling him that we hoped to be able to telephone him that next night that he had been nominated by a safe plurality; and I closed the letter by saying that unless I heard from him to the contrary I would assume that he would consider the campaign closed within a day or two after the campaign, and I should leave for home Thursday.

I have refreshed my memory by finding among my files that letter that you have, and two or three other letters which are in evidence if you wish to make them so, which is the only correspondence of any kind I can find in my personal files relating to that campaign. I have here my file as a whole, and will present it if you desire it, if you would like to look through it to see if there is anything more. I have not been able to find anything more.

I telephoned Senator Stephenson the night of the election, about 1 o'clock, that he had been nominated. I did not hear anything from him the next day; and I waited until the day following, thinking perhaps he would write, and heard nothing from him. I then asked Mr. Lambeck to call up Senator Stephenson and ask him if he might turn over to me a list of names which I thought might be of service to me at some future time. While I do not know from personal knowledge what Senator Stephenson said, Mr. Lambeck reported to me that Senator Stephenson said, no; to send them to him.

That is all I know of any disposition of any papers or books or anything in connection with the campaign, except that, as I say, I find in my personal files this correspondence with Senator Stephenson, which evidently I considered personal to me, and took home with me.

Mr. LITTLEFIELD. Was a list of names afterwards given you as chairman of the State central committee?

Mr. EDMONDS. I do not recall whether it was or not.

Mr. LITTLEFIELD. You do not recollect whether it was or not?

Mr. EDMONDS. No, sir; I do not.

Mr. LITTLEFIELD. Something has been said about an understanding between yourself and Mr. L. H. Stevens (if I get the name right) in relation to procuring his bank to be made a State depository of funds. Did you make some effort to get his bank so designated?

Mr. EDMONDS. Yes, sir. He asked me to do so, and I took it up with the officers—I think the State treasurer, and the secretary of state, and, I think, the attorney general. I think I took it up with each one of them, and asked them if they would place him on the list, and it was done.

Mr. LITTLEFIELD. Did you ever have any conference with Senator Stephenson in relation to that matter?

Mr. EDMONDS. I do not think so.

Mr. LITTLEFIELD. Did the Senator have anything to do with reference to procuring the bank to be made a State depository, so far as you know?

Mr. EDMONDS. Not that I know of; and I do not believe he did.

Mr. LITTLEFIELD. Was he applied to by you for that purpose?

Mr. EDMONDS. I do not believe so.

Mr. LITTLEFIELD. So far as you know, in the first place, he knew nothing about the understanding you had with Stevens; and in the next place, he had nothing to do with procuring the bank to be made a depository?

Mr. EDMONDS. While it is barely possible that I may have mentioned it, I do not think it was a matter of enough importance so that I would.

Mr. LITTLEFIELD. Do you remember whether you did or not?

Mr. EDMONDS. No, sir; I do not remember having done so.

Mr. LITTLEFIELD. A check for \$100 was sent to Senator Lyons, who was then a candidate for the Senate. Another check for \$100 was sent to Mr. Thomas Reynolds, who was a candidate for the legislature, by you, as chairman of the State central committee, as I understand, or as treasurer—one or the other. Is that right?

Mr. EDMONDS. After the primary?

Mr. LITTLEFIELD. Oh, yes; to be sure. This was after the primary, and in the general election. You have already testified that you were the chairman of the State central committee?

Mr. EDMONDS. Yes, sir.

Mr. LITTLEFIELD. And, as I understand, checks were sent (as I have described) by you, as either chairman or treasurer of the State central committee, to Mr. Lyons, then a candidate for the senate, and to Mr. Reynolds, then a candidate for the house. Am I right about that?

Mr. EDMONDS. I do not recall any check having gone to Mr. Lyons; but I do recall having sent a check to Mr. Reynolds.

The CHAIRMAN. I should like to inquire what law was violated by either party organization or any one of several in sending money out of a general fund for the use of the party as a political party to a candidate of the party, to assist him? Can it be possible that there is any law against that?

Mr. EDMONDS. No, sir.

Mr. LITTLEFIELD. No, Mr. Chairman; but I am laying the foundation for showing that Senator Stephenson individually had nothing to do with either of these payments.

The CHAIRMAN. There is no claim that he had, I think.

Mr. LITTLEFIELD. Mr. Reynolds testified that Senator Stephenson requested the State central committee to send it.

The CHAIRMAN. Would that be a violation of any law?

Mr. LITTLEFIELD. I simply want to show that he is mistaken about that. I simply want to show that the Senator kept entirely out of those matters. It will take only a minute. I think the Senator ought to have the record show that he had absolutely nothing to do with those things.

The CHAIRMAN. All right; go ahead.

Mr. LITTLEFIELD. I will make this leading until the committee think it is too leading.

The CHAIRMAN. All right.

Mr. LITTLEFIELD. Had you sent out a circular to the various candidates for the assembly and the senate, inquiring as to whether they needed any assistance in their respective localities?

Mr. EDMONDS. There were personal letters sent to each member, I believe.

Mr. LITTLEFIELD. In response to those circulars, did you get information from the various districts?

Mr. EDMONDS. Yes, sir.

Mr. LITTLEFIELD. State whether or not you sent out in the neighborhood of thirty payments, ranging from \$100 to \$300, as the various members indicated they needed assistance.

Mr. EDMONDS. I am unable to state the number, but there were several.

Mr. LITTLEFIELD. You say "several." What do you mean—25 or 30?

Mr. EDMONDS. Yes; I should think as many as that.

Mr. LITTLEFIELD. Do you recollect whether or not you received any application for aid from Mr. Reynolds's assembly district?

Mr. EDMONDS. Yes, sir; that is one of the things I remember—that the chairman or secretary of the county committee applied for aid for that county.

Mr. LITTLEFIELD. Is the chairman of that committee living?

Mr. EDMONDS. I do not know.

Mr. LITTLEFIELD. Did Senator Stephenson give you any instructions with reference to sending to Mr. Reynolds any of the State central committee funds?

Mr. EDMONDS. I do not know; I do not recall his ever having done so, unless among the different letters that I received, such as you read to-day, correspondence would be forwarded to me by him; and if Mr. Reynolds had applied to him, and he had sent me such a letter as that, I undoubtedly acted on it as I saw fit.

Mr. LITTLEFIELD. You would not treat that as an instruction from Senator Stephenson?

Mr. EDMONDS. Absolutely not.

Mr. LITTLEFIELD. My question was whether Senator Stephenson instructed you to send any money out of the State central committee funds to Mr. Reynolds?

Mr. EDMONDS. Senator Stephenson could not instruct me to send them.

Mr. LITTLEFIELD. Did he?

Mr. EDMONDS. I do not know whether he did or not. He did not succeed if he did.

Senator POMERENE. Did he request you to?

Mr. EDMONDS. I do not know.

Mr. LITTLEFIELD. Have you any recollection of his having done so?

Mr. EDMONDS. No, sir; not once.

Mr. LITTLEFIELD. Did you confer with Mr. Overbeck as to the necessity of sending this \$100 to Mr. Reynolds?

Mr. EDMONDS. Yes, sir. Mr. Overbeck's home is in Door County; and he suggested that instead of sending it to the county committee, it be sent to Mr. Reynolds.

Mr. LITTLEFIELD. Was Mr. Overbeck assisting you in the campaign?

Mr. EDMONDS. Yes, sir.

Mr. LITTLEFIELD. Was he acting for you in connection with your whole State central committee campaign during that election?

Mr. EDMONDS. Yes, sir. He had particular charge of the speakers, and was a general assistant.

Mr. LITTLEFIELD. Did you, as manager of Senator Stephenson's primary campaign, give any money to Mr. Reynolds?

Mr. EDMONDS. Absolutely none.

Mr. LITTLEFIELD. You say you have no definite recollection about that sent to Senator Lyons?

Mr. EDMONDS. No, sir.

Mr. LITTLEFIELD. What is your best judgment about that, as to the circumstances under which and the purposes for which it was sent?

Mr. EDMONDS. If there is any testimony to that effect, I am sure it was done. I sent out so many that I do not recall the particular instances.

Mr. LITTLEFIELD. Was there any request on the part of Senator Stephenson to send Candidate Lyons any sum of money?

Mr. EDMONDS. I do not think so.

Mr. LITTLEFIELD. Right in that connection, I think it has already appeared that Mr. Stephenson contributed \$2,000 to the central committee campaign fund.

Mr. EDMONDS. Yes, sir.

Mr. LITTLEFIELD. Was there any understanding or agreement of any kind between yourself, as chairman of the State central committee, and Senator Stephenson that either the amount that he had contributed, or any sum, should be used in the interest of any candidates that were friendly to him?

Mr. EDMONDS. No, sir.

Mr. LITTLEFIELD. Was there any understanding of any kind as to the use that was to be made of the money contributed by the Senator?

Mr. EDMONDS. No, sir.

Senator POMERENE. Was that sent by letter or otherwise?

Mr. EDMONDS. He made two contributions of \$1,000 each.

Senator POMERENE. By letter?

Mr. EDMONDS. I do not recall whether it was by letter, or how.

Senator POMERENE. Does this letter book show?

Mr. LITTLEFIELD. I am not certain. I have not looked the book over to see. I do not know whether the book shows it or not.

The CHAIRMAN. I had the book in here a few moments since, but it has now been returned to the reporters' room.

Mr. LITTLEFIELD. I do not remember about that, I am sure.

Was there any understanding of any kind by virtue of which the Senator held any string on this contribution that he made to the State central committee?

Mr. EDMONDS. No, sir.

Mr. LITTLEFIELD. Mr. Brady testified that you stated to him that it had been your policy as manager—that is, in substance; I do not give his exact words—not to require any statements of account from your submanagers. Do you remember whether you made any statement like that to Mr. Brady?

Mr. EDMONDS. I do not recall having made any such statement as that to him or to anyone. If I used the word "policy" it was an unfortunate term to be used, because I had not formulated any policy as to those things.

Mr. LITTLEFIELD. As a matter of fact, you did receive quite a number of reports—I think it appears from somewhere about 25 per cent of the men.

Mr. EDMONDS. I do not think they came to me.

Mr. LITTLEFIELD. Mr. Sacket has that list, showing the number that did make reports.

There is an item in Exhibit 49, "Daniel Grady, \$15," which you were not able to explain on your former examination. Have you made any further investigation in relation to it, so that you are able to state to the committee what that was for?

Mr. EDMONDS. Yes, sir. I have made some inquiry regarding that, and I learned that Mr. Grady was paid that for services as an attorney who was delegated to collect \$15 from the campaign committee.

Mr. LITTLEFIELD. What for?

Mr. EDMONDS. My recollection is, for a printing company.

Mr. LITTLEFIELD. Oh, for advertising?

Mr. EDMONDS. For advertising.

Mr. LITTLEFIELD. Did you ever meet Mr. Pestalozzi?

Mr. EDMONDS. Yes, sir.

Mr. LITTLEFIELD. Did you ever meet a man by the name of Vandersee?

Mr. EDMONDS. Yes, sir.

Mr. LITTLEFIELD. Did Vandersee have any authority from you to make any proposition of any kind to Mr. Pestalozzi?

Mr. EDMONDS. No, sir. He never mentioned his name to me that I remember.

Mr. LITTLEFIELD. He never mentioned his name?

Mr. EDMONDS. No, sir.

Mr. LITTLEFIELD. Did anyone have any authority from you to make any proposition of any kind to Mr. Pestalozzi?

Mr. EDMONDS. No, sir.

Mr. LITTLEFIELD. You at one time saw him?

Mr. EDMONDS. Yes, sir.

Mr. LITTLEFIELD. In his store?

Mr. EDMONDS. Yes, sir.

Mr. LITTLEFIELD. Before seeing him did you have a conference with Mr. Knell with reference to the advisability of the employment of Mr. Pestalozzi?

Mr. EDMONDS. I inquired of Mr. Knell relative to Mr. Pestalozzi's reputation.

Mr. LITTLEFIELD. What was the result of that inquiry?

Mr. EDMONDS. Not such as to warrant me in going any further with the negotiations.

Mr. LITTLEFIELD. Did you go to Mr. Pestalozzi's office?

Mr. EDMONDS. After that; yes, sir.

Mr. LITTLEFIELD. How did you happen to go there?

Mr. EDMONDS. A man named Bartlett, I think, whom I had never before met, came to me during the campaign, quite early in the month, and told me that he was a very warm friend of Senator Stephenson, and that his father also was. I think he lived in Eau Claire. He said that his father had known Senator Stephenson for a good many years, and was very active in his support. He professed to want to do something to aid in Senator Stephenson's campaign. He wanted me to see Mr. Pestalozzi, and I inquired who he was. He told me he was a man here in town who had a store. I immediately explained to him that I did not have anything to do with the Milwaukee County campaign, and since Mr. Pestalozzi was here in the city I would prefer not to see him. Mr. Bartlett came to see me or met me on the street or in the hallway of the office building, it seems to me a dozen times. He asked me at different intervals and in different ways if I had seen Mr. Pestalozzi. At some time during the time that he was talking to me I inquired of Mr. Knell about Mr. Pestalozzi, and was informed by Mr. Knell that I better not have anything to do with Mr. Pestalozzi; that he was a man who was not reliable. That made any possible arrangement with Mr. Pestalozzi out of the question. In the first place, he was in Mr. Knell's territory. Mr. Knell said he was not a reliable man; but still Mr. Bartlett kept urging me to go and see Mr. Pestalozzi. Mr. Bartlett was a friend of Senator Stephenson, and was urging me to do everything I could to assist in getting out the vote and helping Senator Stephenson in his election. I did not want to offend Mr. Bartlett; and finally, after being asked two or three times by him if I had seen Pestalozzi—and I had not—I said I would go down and see him.

I went to Mr. Pestalozzi's store, having inquired where it was. I am sure I was not in the building or in his room to exceed two minutes before some customers came in, and he immediately began waiting on the customers, and it was a good opportunity for me to get away, and I said, "I may see you again," and went out. In going in and talking with Mr. Pestalozzi I introduced myself, and said that Mr. Bartlett had asked me to come and see him; and I asked him if he was a friend of Senator Stephenson, and whether he would be with him in the campaign. That is as far as the matter went. There was no further talk with Mr. Pestalozzi. I have never seen him since.

Senator POMERENE. What did he say in answer to your question as to whether or not he was a friend or supporter of Senator Stephenson?

Mr. EDMONDS. I do not recall. The conversation was so limited that I do not recall. My sole idea in going there was to carry out the wishes of Mr. Bartlett, who would ask me questions relative to my visit.

Mr. LITTLEFIELD. Did you make any proposition of any kind, either directly or indirectly, to Mr. Pestalozzi?

Mr. EDMONDS. Absolutely none.

Mr. LITTLEFIELD. Had you had any information that anybody had offered him money to abandon Mr. McGovern's candidacy and take up with Senator Stephenson?

Mr. EDMONDS. No; I did not know that he was for Mr. McGovern.

Mr. LITTLEFIELD. As a matter of fact, you practically knew nothing about him?

Mr. EDMONDS. I did not.

Mr. LITTLEFIELD. You say Mr. Vandersee had no authority of any kind from you to negotiate with Mr. Pestalozzi?

Mr. EDMONDS. He had not.

Mr. LITTLEFIELD. Did you authorize anybody, either directly or indirectly, to offer any consideration or to make any promise to Mr. Pestalozzi?

Mr. EDMONDS. No, sir.

Mr. LITTLEFIELD. In connection with the primary campaign, were any political promises or agreements made by you in the interest of Senator Stephenson?

Mr. EDMONDS. In so far as I recall, the only one was with regard to my willingness to aid Mr. Stevens to have his bank made a State depository. I do not think there was another one.

Mr. LITTLEFIELD. Taking you down to the meeting of the legislature, you remember Mr. Davies, who was there under your charge, or at work in the interest of Senator Stephenson?

Mr. EDMONDS. Yes.

Mr. LITTLEFIELD. In your absence, who had charge of the matters there in Madison?

Mr. EDMONDS. Mr. Overbeck.

Mr. LITTLEFIELD. Mr. Henry Overbeck?

Mr. EDMONDS. Yes.

Mr. LITTLEFIELD. Did Mr. Davies have any authority from you or from Mr. Overbeck or anyone, so far as you know, in the interest of Senator Stephenson, to make any offer, proposition, promise, or agreement of any kind to Assemblyman Leuch?

Mr. EDMONDS. Not from me; no, sir. I have no knowledge of any such arrangement.

Mr. LITTLEFIELD. Did you, on behalf of the Senator or otherwise, in connection with that legislative campaign, and during the session of the legislature, give any sum of money to any person, either directly or indirectly, for the purpose of influencing the vote of any member of the legislature?

Mr. EDMONDS. No; I did not.

Mr. LITTLEFIELD. Did you make any promise or agreement of any kind to or with any member of the legislature, or authorize the making of any promise or agreement of any kind, for the purpose of influencing a vote?

Mr. EDMONDS. No, sir.

Mr. LITTLEFIELD. Did you make any political promises of any kind during that session of the legislature?

Mr. EDMONDS. Not that I recall.

Mr. LITTLEFIELD. Did anybody within your knowledge or within your authority make any political promises?

Mr. EDMONDS. No, sir.

Mr. LITTLEFIELD. Did you pay any sum of money or offer to pay any sum of money to any one of the three Democrats who left the legislature on March 4, the day when Senator Stephenson was elected?

Mr. EDMONDS. No, sir.

Mr. LITTLEFIELD. Did anyone with your knowledge or approval pay to them any sum of money for the purpose of procuring their absence from the assembly chamber when the vote was being taken?

Mr. EDMONDS. No, sir.

Mr. LITTLEFIELD. Was any promise or agreement of any kind made by you, or with your knowledge and consent and approval, with any one of these three Democratic members who thus absented themselves, as a consideration for their absenting themselves from the joint convention on that day?

Mr. EDMONDS. No, sir.

Mr. LITTLEFIELD. Or on any other day?

Mr. EDMONDS. No, sir.

Mr. LITTLEFIELD. Was any promise or agreement of any kind made at any time to or with any member of the legislature, with your knowledge, during any part of that legislative contest, for the purpose of affecting any votes in the interest of Senator Stephenson, either directly or indirectly?

Mr. EDMONDS. No, sir.

Mr. LITTLEFIELD. Did you make some disbursements for Senator Stephenson during the session of the legislature?

Mr. EDMONDS. Yes, sir.

Mr. LITTLEFIELD. Will you be kind enough to state to the committee how much, and to give the details, and state what those expenditures were for?

Mr. EDMONDS. I have here a statement which appears, I believe, in the evidence given at Madison, carrying it up to about the 1st of April.

Senator POMERENE. Have you the page of that?

Mr. BLACK. Yes; it is on page 1194 of the senate report.

Mr. EDMONDS. This aggregates \$1,950.24.

Mr. LITTLEFIELD. Will you give the items making up that amount, and as you go on with the items explain what the items were for? What was done with the money, so far as you know?

Mr. EDMONDS. This says "27": That must be the check number. It is for \$25.45, January 18, Edmonds, trip to Madison.

Mr. LITTLEFIELD. What was that for?

Mr. EDMONDS. Just what it says—for a trip to Madison.

Mr. LITTLEFIELD. Do you mean those are your own expenses?

Mr. EDMONDS. Yes. January 18, Park Hotel, \$30.90. That was evidently my bill at the hotel.

Mr. LITTLEFIELD. Where is the Park Hotel?

Mr. EDMONDS. In Madison. That is the hotel where I stopped. On the 20th there is an item of \$12.55 for expenses at Madison.

Mr. LITTLEFIELD. Are those your own personal expenses?

Mr. EDMONDS. Yes. On the 30th of January, \$53.50, expenses, Madison.

Mr. LITTLEFIELD. Are those your own personal expenses?

Mr. EDMONDS. Yes. February 6, \$5.54, Western Union. That is evidently for telegrams that had been sent.

Senator POMERENE. Where do you get those dates?

Mr. BLACK. You will find them on page 1198 of the senate journal.

Mr. EDMONDS. February 6, \$50, paid to Mr. Wayland. Mr. Wayland was helping us down there and received his expenses only.

Mr. LITTLEFIELD. Was that for his expenses?

Mr. EDMONDS. Yes. February 10, \$129.35, expenses to Madison.

Mr. LITTLEFIELD. What expenses were those?

Mr. EDMONDS. I have no idea, except this evidence here. This is evidently what appeared on the stub of the check books when the stub was turned in.

Senator POMERENE. Did you have funds that Senator Stephenson had furnished to you?

Mr. EDMONDS. No; this was my own money.

Senator POMERENE. This is a check on your own private account?

Mr. EDMONDS. Yes. This was my private check book, and it was turned in to the committee. February 10, \$67.85, Park Hotel. I should add that there is a notation here under that item of \$129.35 which says, "\$100 for Mr. Overbeck."

Mr. LITTLEFIELD. Was the \$67.55 for expenses?

Mr. EDMONDS. Evidently.

Senator POMERENE. Expenses for what? "Expenses" is a somewhat indefinite term.

Mr. EDMONDS. I should say that is a hotel bill, because the check was made payable to the Park Hotel. February 17, \$100. The explanation here is, "Expenses to Madison investigation." There is nothing further. February 19, \$56.76, made up of Davies, \$50, and expenses for the balance, or "express."

Mr. LITTLEFIELD. Mr. Davies was the man that you had employed?

Mr. EDMONDS. Yes. February 23, \$25, Frank L. Vail.

Mr. LITTLEFIELD. What was that for? Mr. Chairman, is there any objection to his refreshing his recollection from the printed testimony taken before the senate committee?

The CHAIRMAN. No.

Mr. EDMONDS. I do not recall.

Mr. LITTLEFIELD. You may refresh your recollection by your testimony given in Madison.

Mr. EDMONDS. (After examining volume of testimony.) Oh, I remember. Mr. Vail was a man who came to me at various times during the time when I was in Madison, and said that \$25 was due him from Mr. Puelicher, or from some one who had charge of the campaign there two years before. I put him off as long as I could and made some inquiries about it and learned that he had done some work in connection with the campaign. Finally I paid him, and Senator Stephenson later paid me. February 23, \$60. There is not any notation here about that, and I do not know what that is.

The CHAIRMAN. You were there in the interest of Senator Stephenson, and I presume you had some people around you?

Mr. EDMONDS. Yes; I was there in his interest.

Mr. LITTLEFIELD. This testimony shows "Expense to Madison, \$60."

Mr. EDMONDS. On February 27 there are two checks, each for \$200, given to Mr. Overbeck. On the 1st of March, I think it is, \$17.75, Park Hotel.

Mr. LITTLEFIELD. What was that? A hotel bill?

Mr. EDMONDS. Evidently. The check was given to the hotel for room rent. On the same day, \$2.49, to the Western Union Telegraph

Co., I believe, for telegrams. On the 25th of March, \$27, to J. E. Scanlon. Mr. Scanlon was in my office at Appleton, and I asked him to go down there. Those were his expenses.

The CHAIRMAN. Were these private or political telegrams?

Mr. EDMONDS. I presume they were political. On the 25th, \$75, to C. E. Wayland, expenses to Madison. On the same date, \$312.60, to Mr. Overbeck. The next check is, April 1, \$300, to Mr. Clark.

Mr. LITTLEFIELD. What was that for?

Mr. EDMONDS. Mr. Clark was an attorney from Neillsville whom I employed to look up evidence in connection with the charges made by Mr. Blaine, and he gave certain testimony before the committee.

Mr. LITTLEFIELD. Was that a sum paid for expenses and services?

Mr. EDMONDS. Yes. This was his bill. The last item is \$191, to D. H. Davies.

Mr. LITTLEFIELD. Mr. Davies is the man about whom you have already testified as being there at work for you?

Mr. EDMONDS. Yes.

Mr. LITTLEFIELD. Did you expend any sums while you were in Madison other than those that have been mentioned by you, making up this aggregate of \$1,950.24?

Mr. EDMONDS. Some of those amounts were not expended by me while I was in Madison, you understand; but they were in the interest of Senator Stephenson.

Mr. LITTLEFIELD. Did you expend, while you were there or afterwards, in connection with the election at Madison, any sums in addition to the \$1,950.24?

Mr. EDMONDS. Yes; the amount in total approximated \$2,400.

Mr. LITTLEFIELD. Did you receive from the Senator at any time a payment for the sums that you had advanced?

Mr. EDMONDS. Yes. Senator Stephenson gave me a check for \$1,500 on account at one time, when I presented him with this statement of \$1,950.24. He gave me \$1,500 on account.

Mr. LITTLEFIELD. Did you afterwards receive from him another check?

Mr. EDMONDS. Yes.

Mr. LITTLEFIELD. For how much?

Mr. EDMONDS. \$900.

Senator POMERENE. Possibly I misunderstood you; but did you not give the amount as \$1,950 and some odd cents?

Mr. LITTLEFIELD. That will all come out in a moment. I show you now a letter addressed to Hon. Isaac Stephenson, dated December 6, 1909, purporting to be signed by you. Please state whether or not that is your letter, written to Mr. Stephenson, closing up this transaction.

Mr. EDMONDS. I should say it was.

Mr. LITTLEFIELD. I will read this letter into the record at this time. It is as follows:

APPLETON, September 6, 1909.

HON. ISAAC STEPHENSON, *Marinette, Wis.*

DEAR MR. STEPHENSON: Referring to our conversation in Washington some time ago, I have checked over my expenditures in connection with your campaign, and in addition to the \$1,963 which was reported to the investigating committee as due me, I have since settled a bill of \$36.80, making a total of \$1,999.80, on which you paid me \$1,500; this would leave a balance of \$499.80. In addition to this there are items aggregating \$805.78, which, while I could not say that they are distinctly bills

chargeable to you, they probably would not have been incurred by me had it not been for your fight for reelection. This amount is made up of many items, and I had thought that since there is some question as to whether or not they should be charged to you, it might not be unfair to you to ask you to pay one half the amount and I will stand the other half. This (the two items) amounts to a little over \$900, and if you will send me a check for \$900 I will consider the matter closed. If, on the other hand, you do not feel that you should stand any part of the \$805.70, just send me a check for the smaller amount. You will be justified in doing this because, while I spent the money, it is not all directly chargeable to you.

Yours, very truly,

E. A. EDMONDS.

Senator POMERENE. In that connection, what was the nature of the items referred to in that letter?

Mr. LITTLEFIELD. I was about to ask that.

Mr. EDMONDS. During that year there was a considerable amount of activity upon my part in the interest of Senator Stephenson and what may be termed our wing of the party. Some of these items of eight hundred and odd dollars I could not tell about definitely. The expense incurred was not all chargeable to Senator Stephenson. Part of it might have been due to this other expense—the work in which I was engaged. As I stated in that letter, I thought a division of one-half would be about fair. Sometimes I would go on a trip, for instance, that might have been in the interest of Senator Stephenson and sometimes only partially, or I might have sent men to different parts of the State for different purposes. I do not recall now any of the items. You will notice that there was \$500, practically, that he had not paid me, that he owed me on that itemized expense account; so that the balance of \$400 was one-half of the \$800, and that with the \$500 made up the \$900.

Mr. LITTLEFIELD. Was any of this \$400, which was the lump sum arrived at between you and Senator Stephenson as the result of this adjustment on the basis of your letter of September 6, 1909, used, either directly or indirectly, in connection with the election of Senator Stephenson by the legislature, or was it for matters occurring after that?

Mr. EDMONDS. I can not tell. I should say that some of it was used before the legislature adjourned; because you will notice that this itemized statement runs up only to the 1st of April, whereas the legislature did not adjourn for perhaps two months after that.

Mr. LITTLEFIELD. My question is whether it was used in connection with the Senator's election, on March 4, 1909?

Mr. EDMONDS. Only incidentally, if at all. There was no money used for any corrupt purpose.

Mr. LITTLEFIELD. Was any money paid by you at any time to any member of the legislature?

Mr. EDMONDS. No, sir.

Mr. LITTLEFIELD. Does any of this sum that you were reimbursed represent any sum of money that was paid by you, either directly or indirectly, to any member of the legislature?

Mr. EDMONDS. No, sir.

Mr. LITTLEFIELD. Or for the purpose of making good any promise or agreement that you had ever made to any member of the legislature?

Mr. EDMONDS. No, sir.

Senator POMERENE. Or for or on behalf of any members of the legislature?

Mr. EDMONDS. No, sir.

Mr. LITTLEFIELD. Or paid out in any way so that any member of the legislature received any benefit from it, either directly or indirectly, so far as you know?

Mr. EDMONDS. No, sir.

Senator POMERENE. You do not quite mean that; do you?

Mr. LITTLEFIELD. This was after the campaign was over.

The CHAIRMAN. This was all expended at Madison?

Mr. EDMONDS. Yes; and for expenses to and from Madison.

Mr. LITTLEFIELD. That is all.

Senator POMERENE. These total expenditures amount to how much?

Mr. EDMONDS. \$2,400.

Senator POMERENE. These were expenditures which were incurred after the beginning of the session of the general assembly?

Mr. EDMONDS. Yes; I think every bit of it.

Senator POMERENE. And none of these items were included in the account which you filed with the secretary of state?

Mr. EDMONDS. No, sir.

Senator POMERENE. Was an account of these expenditures, aggregating \$2,400, filed?

Mr. EDMONDS. As to that, I do not know.

Senator POMERENE. Did you give any information to Senator Stephenson from which he could file an account?

Mr. EDMONDS. Yes; I gave him this.

Senator POMERENE. That was in September? That letter was written in September, 1909?

Mr. EDMONDS. Yes.

Senator POMERENE. Prior to that, had you given him anything?

Mr. EDMONDS. Only the \$1,950.24.

Mr. LITTLEFIELD. When did you give that to him?

Mr. EDMONDS. I am unable to state.

Mr. LITTLEFIELD. When with reference to the date of his election?

Mr. EDMONDS. I should think about the 1st of April.

Mr. LITTLEFIELD. He was elected on March 4?

Mr. EDMONDS. Yes.

Mr. LITTLEFIELD. You have no knowledge of any account of those expenditures having been filed?

Mr. EDMONDS. No.

Mr. LITTLEFIELD. I will say that I am advised that none was ever filed.

Mr. EDMONDS. I should like to say that, had it not been for the expense in connection with the investigation, I doubt if the total amount of expenditure of Senator Stephenson after he was nominated would have exceeded \$200.

Senator POMERENE. This grew out of the controversy that was carried on before the general assembly?

Mr. EDMONDS. Yes.

Senator POMERENE. There were expenses incident to that election?

Mr. EDMONDS. Yes; and the investigation.

Senator POMERENE. This letter of yours to Senator Stephenson under date of August 4, 1908, was a letter written by you to the Senator at or about that date?

Mr. EDMONDS. Yes.

Senator POMERENE. And mailed by you?

Mr. EDMONDS. Yes.

Senator POMERENE. You refer to a letter received from Senator Stephenson of the date of July 30. Have you that letter?

Mr. EDMONDS. No, sir.

Senator POMERENE. Where is it?

Mr. EDMONDS. I have not any idea. I did not know I had this until I made the search.

Senator POMERENE. Do you know whether it is destroyed?

Mr. EDMONDS. No, sir; I have not any idea.

Senator POMERENE. Do you remember the contents of that letter?

Mr. EDMONDS. No, sir.

Senator POMERENE. The substance of it?

Mr. EDMONDS. No, sir.

Senator POMERENE. Here is a reference in the letter which may refresh your memory [reading]:

I am in receipt of your letter of July 30, which is just at hand. In this letter you say, "While I am willing to make all the expenditures necessary, there is a limit beyond which I shall not pass."

Does that refresh your memory as to the contents of the letter?

Mr. EDMONDS. Only as that statement is made.

Senator POMERENE. Do you remember nothing further about it?

Mr. EDMONDS. No. In regard to the letter, I do not recall having received that letter, and if the statement were not made I would not know it. I talked to the Senator before this, and endeavored to get him to fix some stated amount, whether it be \$5,000 or \$50,000 or \$100,000, but he did not want to do that. I endeavored to explain to him the difficulty I would have in mapping out a campaign, not knowing how much the expenditure was to be, but his statement to me was to go ahead and do the best I could.

Senator POMERENE. This letter is dated August 4, 1908, and it seems to call for a reply. Did you receive one?

Mr. EDMONDS. Yes, sir; a telephone message.

Senator POMERENE. No letter?

Mr. EDMONDS. I do not think I ever received any letter.

Senator POMERENE. Or other written communication?

Mr. EDMONDS. No; I do not think so.

Senator POMERENE. What was the telephone reply?

Mr. EDMONDS. That the money would be in the bank, I believe, that day.

Senator POMERENE. No; you say you received a reply. What was the reply?

Mr. EDMONDS. That is what I say—a telephone message, saying that the money would be at the bank. That is as I recall it.

Senator POMERENE. Oh! Was that August 7?

Mr. EDMONDS. I do not recall the date.

Senator POMERENE. On that date the account shows "Check, J. H. Puelicher, M. and I. Bank, \$30,000."

Mr. EDMONDS. I should think that was the reply.

Senator POMERENE. It was a pretty complete reply, was it not?

Mr. EDMONDS. Yes, sir; very satisfactory.

Senator POMERENE. You say further in this letter:

This gives me definite information that, regardless of the amount I may have thought necessary to spend in your interest, you will not be obligated for any larger amount than the one you have in mind, which amount you decline to make known to me.

Mr. EDMONDS. Yes, sir.

Senator POMERENE. Did he not make known to you the amount which he was willing to expend in the campaign?

Mr. EDMONDS. No, sir.

Senator POMERENE. What amount did you have in mind to expend?

Mr. EDMONDS. \$100,000.

Senator POMERENE. Then you further say:

This decision makes it necessary, for my own protection, that I know your idea relative to present and proposed obligations, which I consider necessary in order to successfully carry out the campaign. I have to-day placed before Mr. Puelicher my plans for the conduct of the campaign and it entails, besides the expenditures already arranged for by him, an additional expenditure of \$30,000.

Up to this time you had \$55,000, did you?

Mr. EDMONDS. The records are the only means by which I would know that.

Senator POMERENE. There was a deposit or a credit of \$50,000 in the bank at that time, and you had been given a check personally of \$5,000. That is correct, is it not?

Mr. EDMONDS. As I say, I do not know, except——

Senator POMERENE. I am referring to your memory, and not to any record that I have before me.

Mr. EDMONDS. My memory is not clear on that. I should not think that it was as much as that, though of course the records would state definitely.

Senator POMERENE. What I had in mind was Mr. Puelicher's statement that they had a credit representing a collection which they had of \$50,000 at that time, and you testified when you were on the stand before that about the time you opened up your quarters here you had received a check for \$5,000.

Mr. EDMONDS. Yes, sir.

Senator POMERENE. Did you learn afterwards what the limit was which Senator Stephenson had in mind?

Mr. EDMONDS. No, sir.

Senator POMERENE. Did you give any instructions with reference to the disposal of your letters, letter files, records, etc., after you had closed the office, or at or about that time?

Mr. EDMONDS. I do not believe I did. I have seen the testimony——

Senator POMERENE. You were here the other day and heard the testimony in that behalf by Mr. McMahon?

Mr. EDMONDS. I did not hear it, but I have heard——

Senator POMERENE. And possibly another witness?

Mr. EDMONDS. I think that is a mistake.

Senator POMERENE. You were there as the general manager?

Mr. EDMONDS. Not when the office was closed.

Senator POMERENE. No; but this campaign was being conducted under your direction, and you would not run off and leave your office files, etc., without making some disposition or ordering some disposition about them.

Mr. EDMONDS. I should think it would not be improbable that I did leave without doing that, because, as you will recall, when I went there the office was open, and in charge of Mr. Sacket. It was in charge of Mr. Sacket all the time, and when I got through with my work, which was the conduct of the campaign, it is not at all surprising that I went home and left it.

Senator POMERENE. When did you learn that these things had been sent to Senator Stephenson?

Mr. EDMONDS. I think Mr. Black told me something like a year ago.

Senator POMERENE. Something like a year ago?

Mr. EDMONDS. I do not recall.

Senator POMERENE. Why did you not tell us about that when you were on the stand before?

Mr. EDMONDS. I was not asked.

Senator POMERENE. You were asked about them, and in substance you said that you left the office, and you knew nothing about them after that.

Mr. EDMONDS. That is true. This is nothing but hearsay evidence. I knew absolutely nothing about them from personal knowledge.

Senator POMERENE. Mr. Edmonds, you do not regard that as a frank answer to this committee when they were inquiring about those letters, etc., do you?

Mr. EDMONDS. Yes, sir; because I simply knew nothing about them.

Senator POMERENE. I differ from you, then, on that proposition.

Mr. EDMONDS. I remember being criticized by the State senate committee for the same reason; but I did not think it was unfair.

Senator POMERENE. We were inquiring about those letters and we had a right to have any information which you had on the subject, hearsay or otherwise.

Mr. LITTLEFIELD. If the Senator will excuse me, while I have not had time to read the record fully, I do not think you carried your examination as far as that. My recollection is that your examination was confined entirely to the contents of the desk and what was done at the time he left.

The CHAIRMAN. Oh, no.

Senator POMERENE. That is simply begging the question. It may be that it was not as explicit as it should be; but there were questions which, if addressed to you, I think you would have answered differently, Mr. Littlefield.

Mr. LITTLEFIELD. I can not state without having read the record. I do not remember the details. Of course I do not wish to comment on that.

Senator POMERENE. There is not anything gained by attempting to cover up matters of this kind.

Mr. EDMONDS. If I may make an explanation, I do not think there is a question that was asked me in the former testimony that, in view of evidence that has come out since, I would have answered differently at that time. I did not intend to be anything but frank in my testimony.

The CHAIRMAN. I will say in that connection that as I remember I called your attention to the position which you occupied as a witness, and to the obligation you were under to make clear every possible charge or insinuation against your principal, who was Senator Stephenson; and it would seem that if you had any knowledge you should have been very prompt to submit it to the committee as to its reception and propriety.

Mr. EDMONDS. If I may make a further explanation——

The CHAIRMAN. I will say, to continue that, that that is the position all of the men occupy who handled Senator Stephenson's money.

They are doing him an injustice when they undertake to withhold any facts that might possibly benefit him when he is here under the test of an investigation.

Mr. EDMONDS. If the committee will allow me to make the statement, I endeavored early in my testimony to give the information that I could to the best of my recollection. I was repeatedly told that the committee wanted to know what I knew and nothing else; and that was my reason for simply answering questions as they came.

The CHAIRMAN. No, no; it was your business to assist your principal in every way to make plain everything that might be the subject of controversy. That was a duty that rested upon you by reason of the position which you had held; and it was not proper for you to indulge in discriminations as to whether things were hearsay or not. That question could have been raised and taken care of by the committee. If you erred, you should have erred in the direction of generosity toward the man whose money you had handled.

Mr. EDMONDS. That was my intention in giving my testimony—to do everything possible for Senator Stephenson's interest.

The CHAIRMAN. I want to call your attention to an answer you made which did not impress the committee favorably. You were asked:

Has your attention ever been called to this testimony that was taken before the joint committee?

Mr. EDMONDS. No, sir; not to have me read it or go over it at all.

The CHAIRMAN. You never have?

Mr. EDMONDS. I never have.

The CHAIRMAN. You have never interested yourself to know what facts were testified to by the witnesses before that committee?

Mr. EDMONDS. I certainly never have taken interest enough in it to read the testimony before the investigation committee.

This committee was of the impression that because of the fact that you had occupied this confidential relation toward Senator Stephenson, it was your duty to have known every fact connected with the investigation of the things for which you were responsible. I merely make this statement now in view of what you have just said—that because you were not asked specifically in regard to a fact within your knowledge, you did not call the committee's attention to it.

That is all I have to say.

Mr. EDMONDS. I should like to make the statement that so far as I am concerned I did not consider that it was proper for me to go over all my testimony before appearing at this time. Senator Stephenson's attorneys talked with me about that, and my opinion was that I ought not to do that. I am making statements relying absolutely on facts to the best of my ability. They were not colored by someone else's testimony.

Mr. LITTLEFIELD. Has the committee anything further?

Senator POMERENE. Nothing now.

Mr. LITTLEFIELD. That is all, Mr. Edmonds.

ADDITIONAL TESTIMONY OF RODNEY SACKET.

RODNEY SACKET, having been previously sworn, was recalled, and further testified as follows:

Mr. LITTLEFIELD. Mr. Sacket, you have heard the testimony of Mr. L. H. Stevens in relation to the matter of procuring the bank in which he is interested to be a depository of State funds. Did you

have a conversation with Mr. Stevens with relation to that matter? If so, state briefly what the conversation was.

Mr. SACKET. I did. Mr. Stevens came to Milwaukee to see about attending to Senator Stephenson's campaign in his county. Before he had done anything, or before he had made any arrangements, he suggested this bank-deposit matter to me. I told him at that time that I had no authority from Senator Stephenson, and I did not think anyone else had, to make any promise of that kind; that I was not making any political promises of any kind; that if he wanted to take hold of Mr. Stephenson's campaign, he must do it with the understanding that that was not to be a consideration.

Mr. LITTLEFIELD. Did you, at any time during the progress of the primary campaign, make any political promises or cause any to be made?

Mr. SACKET. I did not.

Mr. LITTLEFIELD. Have you prepared a list of the workers who filed accounts?

Mr. SACKET. I have; yes, sir.

Mr. LITTLEFIELD. And a list, also, of those who did not?

Mr. SACKET. To the best of my recollection.

Mr. LITTLEFIELD. That was at the request of the committee, I believe, was it not?

Mr. SACKET. It was; yes, sir.

Mr. LITTLEFIELD. Will you submit that as a part of your testimony?

(Mr. Sacket produced a paper.)

The CHAIRMAN. What is this?

Mr. LITTLEFIELD. This is a list of the managers who filed accounts. The committee wanted him to make the statement.

Mr. SACKET. Senator Sutherland requested it.

The CHAIRMAN. It may be marked as an exhibit, and will go into the record in connection with this testimony.

(The paper referred to was marked "Exhibit Sacket, recalled, No. 1, October 31, 1911," and is as follows:)

EXHIBIT SACKET RECALLED NO. 1, OCTOBER 21, 1911.

LIST OF PERSONS WHO FILED EXPENSE ACCOUNTS.

July 6, E. H. McMahon, \$50; 7/13, \$50; 7/20, \$50; 7/30, \$50; 9/5, \$300. J. C. Miller, \$50; 7/24, \$50; 8/6, \$75; 8/18, \$50; 8/31, \$25; 9/5, \$300. C. M. Hambright, \$50; 7/18, \$50; 7/28, \$50; 8/4, \$50; 9/5, \$300.

July 13, J. R. Keyes, \$25; 7/20, \$50; 7/31, \$25.30; 8/8, \$50; 8/20, \$48.50; 8/29, \$100; 9/5, \$52.40.

July 20, F. J. Sexton, \$50; 7/28, \$50; 8/4, \$50; 8/12, \$50; 8/14, \$42.46; 8/28, \$50; \$12; 9/5, \$60.30.

July 22, J. W. Wypszinski, \$50; 7/24, \$25.

July 24, R. Rowe, \$50; 8/4, \$35.25; 8/10, \$19.20; 8/18, \$25.40; 8/12, \$300; 8/25, \$21.15.

July 30, F. Reinold, \$50; 9/5, \$111.05. C. O. Larson, \$25; 8/10, \$140; 8/14, \$55; 8/28, \$50; 9/5, \$254.80.

July 31, A. J. Weisman, \$83.60; 8/14, \$52.28.

August 5, E. J. Rogers, \$50; 8/22, \$300. L. H. Stevens, \$28.92; 8/22, \$300; 8/31, \$200.

August 13, W. Bratz, \$100; 8/14, \$43.80; 8/21, \$21.66; 8/22, \$100, 8/25, \$43.40.

August 14, J. R. Jones, \$350; 8/31, \$150; 9/5, \$183.50.

August 18, E. Voight, \$76.50.

August 20, C. Bruderle, \$60. F. W. Daugers, \$50.

August 25, J. Plevelich, \$35; 8/31, \$40.

September 5, C. C. Wellensgard, \$250.80. W. E. Powell, \$44. W. J. Fosbinder, \$61. E. A. Morse, \$27. E. A. Hamalrath, \$13.75.

September 15, Superior Tidende, \$150.

LIST OF PERSONS WHO DID NOT FILE EXPENSE ACCOUNTS WITHIN THE KNOWLEDGE OR RECOLLECTION OF RODNEY SACKET.

July 23, G. Peterson, \$25.
 July 24, T. F. Reynolds, \$100; 8/14, \$100.
 July 27, Dr. Frank, \$150; 9/5, \$225. C. C. Wayland, \$100; 8/7, \$250; 8/22, \$500; 8/31, \$300.
 July 28, H. Lewis, \$200; 8/19, \$160.
 July 30, J. B. Marshall, \$50; 8/27, \$100. L. H. Bancroft, \$250.
 August 4, J. L. Sturtevant, \$100. S. L. Perrin, \$1,000; 8/14, \$3,000. Geo. Gordon, \$1,300; 8/27, \$300. D. E. Riordan, \$1,300. I. B. Dresser, \$300; 8/12, \$1,800.
 August 6, J. T. Kelley, \$500. J. Livermore, \$50. J. J. McGillivray, \$600. Pat Dumady, \$50; 8/20, \$50. R. J. Shields, \$200.
 August 7, M. C. Ring, \$170; 8/18, \$350; 8/31, \$125.
 August 8, G. Dettman, \$50. O. L. Gust, \$25; 8/28, \$18. A. R. Ames, \$300. \$350; 8/14, \$50; 8/25, \$50. F. H. Gehbe, \$200. C. H. Russell, \$200; 8/19, \$350.
 August 12, J. W. Stone, \$2,500. Hugo Frank, \$100. L. B. Cox, \$100; 9/5, \$80.27. C. D. Smith, \$50.
 August 13, A. O. Heyer, \$200; 8/22, \$300. R. A. Etter, \$200. Wm. Haslem, \$200; 8/27, \$125. C. O. Halls, \$200. L. E. McGill, \$200; 8/18, \$250. T. Purtell, \$175. A. O. Berg, \$50. W. A. Barber, \$300. C. B. Salman, \$100.
 August 14, C. E. Morley, \$500. N. C. Keller, \$50; 8/27, \$150.
 August 18, W. O. Roberts, \$150. T. O. Laughlin, \$400. A. C. Miller, \$500. E. F. Scherbel, \$95.74; 8/29, \$32.08. C. S. French, \$800.
 August 19, H. H. Morgan, \$226; 8/31, \$73. F. P. Lamereaux, \$25. J. T. Hanson, \$250; 8/20, \$150.
 August 20, G. W. Dart, \$400. Dalwood, jr., \$50; 8/25, \$100. J. H. Frank, \$125; 8/28, \$100. M. J. Funnelle, \$100.
 August 21, Peter Dietrich, \$50. Harry Bowman, \$150. R. S. Cowie, \$150. J. W. Howey, \$50. R. A. Etter, \$100. Geo. Gordon, \$200; 8/28, \$200. C. E. Brady, \$500. J. H. Wells, \$200; 8/28, \$200. F. F. Dolan, \$400.
 August 22, L. A. Calkins, \$300. F. H. Eppling, \$200.
 August 25, G. L. Minor, \$300. N. L. James, \$300; 9/5, \$200.
 August 27, E. W. Hayes, \$50. L. W. Thayer, \$600. H. H. Smith, \$100. G. E. Dee, \$200. R. E. Orton, \$300. Max Sells, \$25. James Smith, \$100. R. L. Morse, \$450; 8/29, \$250. Frank E. Klund, \$25.
 August 28, B. Beyer, \$100. W. R. Raymond, \$42. Wagner & Jenkins, \$50. D. G. Sampson, \$100. L. F. Johnstad, \$100. J. M. Reese, \$100. Rasmussen Pub. Co., \$200. A. W. Barber, \$15. H. Heiselhoff, \$25. W. Plughoeft, \$126; 9/5, \$125. W. G. Wheeler, \$600. Henry Overbeck, \$71.79; 9/15, \$100. J. D. Curran, \$250. Humphrey & Williams, \$25.
 August 29, A. T. Hulbert, \$100. Geo. Beyers, \$300. J. W. Reese, \$50.
 August 31, M. P. Edwards, \$12. J. T. Joyce, \$50. Geo. J. Kespert, \$50. M. T. Park, \$15. D. H. Grady, \$15. C. E. Smith, \$56. E. A. Johnston, \$50. M. E. Rank, \$22.50.
 September 5, E. W. Hayes, \$46. J. H. Humphrey, \$60.15. R. J. White, \$150. W. V. Jones, \$30. G. A. Dettman, \$25.
 September 11, J. J. Kanelling, \$14.75. Hooper, \$64.85. Wm. Halem, \$47. Rock Flint, \$80.
 September 15, A. L. Osborne, \$154. O. T. Johnson, \$57.76. A. M. Jones, \$150.

Mr. SACKET. May I say, in regard to this, that I have those who filed accounts, and the amounts received? I will not say that the accounts they filed were all of the amounts received; but—

The CHAIRMAN. Will it show on the face of the account the fact as to whether they were or were not?

Mr. SACKET. It shows the persons who did file accounts, and all of the amounts that they received. I can not designate just the amounts for which they filed accounts.

The CHAIRMAN. Did you refer to the pages in the record where those items will be found?

Mr. SACKET. They are referred to by dates in this note.

The CHAIRMAN. Did you not take them from the record of the hearing?

Mr. SACKET. I took them from Exhibit 49; yes, sir.

The CHAIRMAN. Oh. From Exhibit 49?

Mr. SACKET. Yes, sir.

The CHAIRMAN. I see. You have not undertaken to identify them in the record of the proceedings?

Mr. SACKET. The proceedings before this committee? No, sir.

The CHAIRMAN. No; the proceedings before the joint committee or the senate committee, in order that we might turn to them?

Mr. SACKET. The dates will show very readily where they are to be found. I have the date in each instance—the date and the amount received; and if you will turn to Exhibit 49, and note the date, you will find the amounts that I have here in Exhibit 49 under the same date.

The CHAIRMAN. I do not think you understand me; but we will work it out.

Mr. LITTLEFIELD. Is that clear?

The CHAIRMAN. The witness did not understand my question. It was whether he had identified it with the printed record or not, by page.

Mr. SACKET. Not by page, but by date.

Mr. LITTLEFIELD. Not by page, but by date?

Mr. SACKET. Not by page, but by date.

Mr. LITTLEFIELD. Was any money paid to Thomas Reynolds, a candidate for the legislature, from the Stephenson campaign fund, that was within your authority?

Mr. SACKET. Not to my knowledge; no, sir.

Mr. LITTLEFIELD. There were some items which some of the witnesses testified to as being in excess of the sums received as appears by Exhibit 49. I wish you would make a brief statement in reference to those, if you have examined them, so that they can be traced.

Mr. SACKET. I have gone quite carefully over the testimony given here by persons who received money; and I find that some of them admit receiving more money than is charged to them in Exhibit 49. I think I can give—

The CHAIRMAN. I noticed that discrepancy between my notes and the testimony.

Mr. LITTLEFIELD. I want you to go through that and reconcile it as far as you can.

Mr. SACKET. Starting with S. L. Perrin, he testifies that he received \$1,000 more than Exhibit 49 shows. Mr. Edmonds's testimony this afternoon will show that he gave him a check for \$1,000 on the National Exchange Bank. That is no part of Exhibit 49.

The CHAIRMAN. That is out of the \$5,000?

Mr. SACKET. That is out of the \$5,000, which is not included in the \$98,000.

Mr. LITTLEFIELD. I just wanted him to make this explanation.

Mr. SACKET. D. E. Riordan received \$1,900 more than appears in Exhibit 49. \$1,000 of it was—

Senator POMERENE. What is the total received by him?

Mr. SACKET. I have not the total. I can get it.

Senator POMERENE. Never mind. We will get it.

Mr. SACKET. Mr. Riordan received \$1,900 more. \$1,000 of it was a National Exchange Bank check from Mr. Edmonds; and \$900 is explained in Mr. Riordan's own testimony in volume 10, page 228,

in which he says that a man by the name of Laughlin received either \$400 or \$500, and a man by the name of Miller (both of them connected with him in the campaign) received \$400 or \$500, making \$900 that was sent to Mr. Riordan, and that appears in Exhibit 49 charged to Mr. Miller and Mr. Laughlin.

The CHAIRMAN. The testimony shows that.

Mr. SACKET. Yes; the testimony of Mr. Riordan, in volume 10, page 228.

The CHAIRMAN. I have had occasion to check up on that item, and I found that it was accounted for.

Mr. SACKET. Yes, sir.

Henry Overbeck seems to have received \$600 more than appears in Exhibit 49. \$500 of that was a check from Mr. Edmonds's account of \$5,000; and \$100 was received by Mr. Overbeck from Mr. Edmonds in cash, and appears in Exhibit 49 under date of July 6 as an item of general expense.

The next is F. J. Eppling. I do not know about that.

W. C. Haslam appears to have received \$301 more than appears in Exhibit 49. I find a check of \$250 out of Mr. Edmonds's \$5,000 in the Exchange Bank, which leaves \$51 that I can not account for.

W. A. Bowman said that he received \$150; and Exhibit 49 shows \$170—a difference of \$20 that I do not know about.

The CHAIRMAN. I will say there that I have taken your revised statement—

Mr. SACKET. Exhibit 49?

The CHAIRMAN. Yes, Exhibit 49; I have taken that and compared the amounts stated there to have been paid the various persons, with the testimony in regard to it. I find a number of instances where the parties themselves testify to receiving more than you claim to have paid them. So far as I have been able to do it, in going through the testimony, I have made a list of them and checked them up. Have you taken the testimony before this committee and stated the discrepancies between the amount of credit that you claim in Exhibit 49 and the amount shown by the testimony?

Mr. SACKET. Yes, sir.

The CHAIRMAN. Is that what you are doing?

Mr. LITTLEFIELD. That is what we are trying to do now.

The CHAIRMAN. I merely want to check it up with what I have already gone over.

Mr. LITTLEFIELD. What I instructed Mr. Sacket to do was to look it over and reconcile those differences so far as he could.

The CHAIRMAN. I will compare them with the data I have.

Mr. SACKET. L. B. Dresser: A difference of \$250, accounted for by a check for \$250 given him by Mr. Edmonds out of his \$5,000.

C. M. Hambright, \$45.50: My recollection of that is that at some time he came into the office and was going out on a trip and was short of money, and I gave him \$45.50, or some amount, and charged it under "sundries, small," as appears in Exhibit 49. That would cover one of those items of traveling expenses, or something of that kind, or cover part of it.

A. R. Ames, \$450: According to the best of my knowledge, that must have covered some item of general expense charged in Exhibit 49.

M. C. Ring, \$300: The same.

J. W. Stone, \$349.50: A check on the Edmonds \$5,000.

J. C. O'Connor, who does not appear at all in Exhibit 49, and who testified here that he received \$307.30, received that out of the Edmonds \$5,000.

Mr. LITTLEFIELD. He is down there as "D. J. O'Connor." Edmonds has a check here to D. J. O'Connor for \$307.50.

Mr. SACKET. It is "D. J.," then. I may have the initials wrong. Oh, yes. Now, that is all that I have who testified here.

The CHAIRMAN. That is D. J. O'Connor, is it?

Mr. SACKET. Yes.

The CHAIRMAN. He testified.

Mr. SACKET. He testified here; yes, sir.

The CHAIRMAN. I have the amount that he testified to having received.

Mr. LITTLEFIELD. His check appears in Mr. Edmonds's statement as coming from the \$5,000 check.

Mr. SACKET. That is all I have who have testified here. I have gone through the affidavits that were filed here to-day, and I find several differences there.

L. A. Calkins received \$250 in cash from Mr. Edmonds, which appears in Exhibit 49. I can not say just where it appears in Exhibit 49, but it appears there as a general item or part of some general item.

Mr. McGill shows a difference of \$25, which I am unable to account for, except generally.

J. T. Hanson received \$100 more than was shown. That \$100 is explained in my testimony before the joint committee at page 657.

Mr. LITTLEFIELD. What is the explanation?

Mr. SACKET. The explanation is that in the printed copy of Exhibit 49 they left out the name of Hanson, which should appear after one of the items of "advertising." The name "J. T. Hanson," and the number of the check, and the amount, \$100, should appear there. By mistake it was left out.

Mr. LITTLEFIELD. That is an error that you discovered when you were testifying before the committee?

Mr. SACKET. Before the joint committee—an error in the copy from which this printed copy was made. At that time I held my original Exhibit 49.

Mr. Windsor, who filed an affidavit, also handled the money jointly with Mr. Hanson; so that the same discrepancy will appear there.

Then we have an affidavit from Richard Meyer, jr., who says he received \$500. Two hundred dollars of that was a check from Mr. Edmonds out of his \$5,000, and \$300 a general item in Exhibit 49.

That is all that I have.

Mr. LITTLEFIELD. I notice that Calkins has a check here for \$210 out of the \$5,000 check.

Mr. SACKET. I have it here \$250. Oh! Mr. Calkins told me that he received that in cash from Mr. Edmonds. I do not know just what this \$210 check is.

Mr. LITTLEFIELD. Look that up overnight, and if there is anything additional in relation to that, you may state it in the morning. You may have that in mind.

Senator POMERENE. Do I understand your position now to be, then, that where these witnesses have testified to receiving larger

sums than you have charged to them in Exhibit No. 49, those additional amounts are included under the item "sundries"?

Mr. SACKET. I should say, rather, under the item "general"; possibly, in some cases, under "sundries." In the case of Mr. Hambright, the amount being so small, and possibly these other—

Senator POMERENE. Is that just a guess, or is that your recollection about it?

Mr. SACKET. That is my best recollection.

Senator POMERENE. Why would you put them under "general," instead of under the name, when you placed a part of the amount to the credit of the man, giving his name, and a part of it under "general"?

Mr. SACKET. The account was first made almost all "general," or some term of a similar nature; and the names were added afterwards, from the checks. Possibly I did not find the check to hook up with that particular general item, or did not recognize it as hooking up.

Mr. LITTLEFIELD. Do I understand that the items are all included in "general" except such as appear to be accounted for by checks drawn by Mr. Edmonds out of the \$5,000 check?

Mr. SACKET. Yes. Any money received out of the \$98,000 accounted for in Exhibit 49 would appear as a general item, if it did not appear under some one's name.

Mr. LITTLEFIELD. Yes; but some of these discrepancies are accounted for, as I understand it, by checks drawn by Mr. Edmonds on the National Exchange Bank, where he had his \$5,000 check deposited?

Mr. SACKET. Yes, sir.

Mr. LITTLEFIELD. That is right, is it not?

Mr. SACKET. Yes, sir.

The CHAIRMAN. I will call attention to a fact that is developed by the record in connection with that. The exhibit from which these items and information are gathered, referred to as Exhibit 49, discloses the expenditure of \$98,083.72; that is, the summary on page 612. The account of Senator Stephenson shows that he paid in to the fund \$111,385.49. As I understood the testimony to-day of Mr. Edmonds and Mr. Sacket, the \$10,000—\$5,000 to each—is not included within this \$98,000 of expenditure. That expenditure is accounted for separately, as in the case of Mr. Edmonds's testimony to-day and Mr. Sacket's testimony now. As I understand it, Mr. Sacket has not given us any items of the \$5,000 that was received by him in this general statement.

Mr. LITTLEFIELD. Mr. Edmonds, do you mean?

The CHAIRMAN. No; Mr. Sacket. Mr. Edmonds gave them to-day.

Mr. LITTLEFIELD. Mr. Sacket did not receive any \$5,000. You inadvertently got that into your question. You said Mr. Sacket had not given any account of the \$5,000 received by him.

The CHAIRMAN. That is what I said.

Mr. LITTLEFIELD. Mr. Sacket did not receive any \$5,000.

The CHAIRMAN. He did receive \$5,000.

Mr. LITTLEFIELD. Did you, Mr. Sacket?

Mr. SACKET. I did.

The CHAIRMAN. It was by check of August 27, for \$5,000.

Mr. LITTLEFIELD. I got mixed on that.

The CHAIRMAN. It is adjourning time now, but I shall want to clear up that question.

Mr. SACKET. I can clear it up in one second.

The CHAIRMAN. It is one of the questions I have in my mind.

Mr. LITTLEFIELD. He says he can clear it right now, and if he can, you can get it right in that connection.

Mr. SACKET. That \$5,000 was put into the \$98,000. I simply acted as a messenger and took that check from Mr. Stephenson to the bank and put it in.

The CHAIRMAN. Very well. That is just the point I was going to inquire about. Then the difference between the amount accounted for, \$98,000, and \$111,000, is only entitled to the credit of the Edmonds \$5,000, is it, and not to your \$5,000?

Mr. SACKET. It is not entitled to the credit of my \$5,000. It is entitled to the credit of the Edmonds \$5,000; and I think the account will show other sums.

The CHAIRMAN. Let us keep to that one. Then we should add to the \$98,083.72 the \$5,000 received by Mr. Edmonds and paid out, not included in the statement of payments made in Exhibit 49?

Mr. SACKET. That is, in addition.

The CHAIRMAN. That would leave, then, the difference between the amount of money furnished by Senator Stephenson, as represented by \$111,385.49, and \$103,083.72. That much money is not accounted for by the disbursing agencies?

Mr. SACKET. That is not accounted for by Mr. Edmonds or me, as I understand it.

The CHAIRMAN. It is not accounted for at all, so far as I have been able to understand. If it is accounted for, we shall be very glad to have our attention called to it to-morrow.

Mr. LITTLEFIELD. We will show that. That is, we shall be glad to have that suggestion, because you will have a full explanation of it in the morning.

The CHAIRMAN. I brought it out at this hour, after adjourning time, in order that you might be able to explain it. The committee will stand adjourned until to-morrow morning at 10 o'clock.

(Thereupon, at 4 o'clock and 35 minutes p. m., the subcommittee adjourned until to-morrow, Wednesday, November 1, 1911, at 10 o'clock a. m.)

FEDERAL BUILDING, MILWAUKEE, WIS.,

Wednesday, November 1, 1911.

The subcommittee met at 10 o'clock a. m.

Present: Senators Heyburn (chairman) and Pomerene.

Present also: Mr. C. E. Littlefield, Mr. W. E. Black, and Mr. H. H. J. Upham, counsel for Senator Isaac Stephenson.

TESTIMONY OF RODNEY SACKET—Resumed.

Mr. LITTLEFIELD. Mr. Sacket, at the adjournment last night your attention was called to the fact that Exhibit 49 showed the sum of \$98,083.72, and that the Edmonds check was for \$5,000 in addition to that, leaving a difference between \$103,083.72 and the aggregate of \$111,385.49, as appears by the statement of Mr. Stephenson. You were requested by the committee to make a statement accounting for

the difference between the two sums. If you have prepared such a statement, I wish you would please make it now.

Mr. SACKET. The statement is as follows:

Total amount advanced by Isaac Stephenson, including amount expended by him personally.....	\$111, 385. 49
Amount returned by J. H. Puelicher to Stephenson.....	\$3, 316. 28
Amount returned by E. A. Edmonds to Stephenson.....	445. 03
Total amount returned to Stephenson.....	3, 761. 31
Leaving net expenses of primary campaign.....	107, 624. 18
Accounted for as follows:	
Exhibit "49".....	\$98, 083. 72
Accounted for by J. A. Van Cleve, check Nov. 28 (C. D. Ross).....	\$71. 35
Cash from H. J. Brown (rents).....	792. 75
	864. 10
Accounted for by Edmonds from funds in National Exchange Bank.....	4, 754. 97
Expended by Isaac Stephenson personally and accounted for by him:	
July 18, check Eagle Ptg. Co., Steph. Bk.....	16. 00
Aug. 8, check J. A. MacLean, Corn Ex. Bk.....	20. 00
Aug. 17, check H. L. Peterson, Steph. Bk.....	150. 00
Sept. 3, check H. Stronach, Steph. Bk.....	26. 00
Sept. 14, check A. H. Settersten, Steph. Bk.....	26. 10
Sept. 26, check Eagle Ptg. Co., Steph. Bk.....	13. 50
Oct. 29, check W. Alexander, Corn Ex. Bk.....	588. 30
Nov. 7, check J. W. Howie, Corn Ex. Bk.....	100. 00
Nov. 7, check J. E. Morgan, Steph. Bk.....	2, 550. 00
Nov. 21, check L. S. Patrick, Steph. Bk.....	190. 99
Cash, Hutchinson (paid by N. L. Co.).....	25. 00
Cash, McAllister (paid by N. L. Co.).....	110. 50
Cash, T. Reynolds.....	180. 00
Cash, Alfred Greenwood.....	125. 00
Total.....	4, 121. 39
	107, 824. 18
Cash returned by C. E. Morley.....	200. 00

Leaving net expense of campaign as shown above..... 107, 624. 18

Senator POMERENE. In that account you use the expression "total" expense. I take it you mean the total expense incident to the primary?

Mr. SACKET. Yes.

Senator POMERENE. You did not include any expense after the beginning of the session of the legislature?

Mr. SACKET. No, sir.

The CHAIRMAN. Or between the primary and the general election?

Mr. SACKET. No, sir.

Mr. LITTLEFIELD. Except bills that may have been paid after the primary that were contracted before the primary.

The CHAIRMAN. Yes. That would relate back; but it does not include the \$2,000 subscribed by Senator Stephenson to the State central committee fund?

Mr. SACKET. No; this is only for the primary election.

Mr. LITTLEFIELD. That is, bills paid during the primary or that were contracted during the primary that may have been paid afterwards?

Mr. SACKET. Yes.

Mr. LITTLEFIELD. The figures you have just given all appear in the testimony thus far introduced in the case?

Mr. SACKET. Yes.

Mr. LITTLEFIELD. I have not had the witness make reference to the pages of the typewritten transcript, because when the testimony is printed, if that were done, it would only confuse instead of elucidate.

The CHAIRMAN. The indexer will take care of that.

Mr. LITTLEFIELD. If he now made reference to those various typewritten volumes, it would be of no use whatever when we come to print the testimony.

The amount of expense returned was how much?

Mr. SACKET. The amount of net expense was \$107,793.05.

Mr. LITTLEFIELD. And the expense as shown by the details as now gathered together in the evidence is \$168.87 less than the amount returned?

Mr. SACKET. Yes.

Mr. LITTLEFIELD. So that a computation from the evidence that has been disclosed in the case shows a net expenditure of \$167.87 less than the net amount that was returned in the statement?

Mr. SACKET. Yes.

Mr. LITTLEFIELD. Can you explain how the discrepancy arises?

Mr. SACKET. I can give only my opinion. I think in grouping the items in the original return or report some items might have been put into two groups, which items amounted to \$168.87, which made the report that much larger than it should have been.

Mr. LITTLEFIELD. There was one discrepancy to which I called your attention, and which I asked you to look up.

Mr. SACKET. What was that?

Mr. LITTLEFIELD. I have now forgotten what it was, but the record will show. In the meantime I will have you look over the testimony after you leave the stand; and if there is any explanation to be made about that particular item, I will call you back.

Senator POMERENE. Have you in mind the figures as to the expenditures during the legislative session? The figures were changed, and I am somewhat confused about that in my own mind.

Mr. LITTLEFIELD. Yes. The amount of the expenditures when Mr. Edmonds took it up with Senator Stephenson in Washington was \$1,963. There was an amount of \$36.80 added after that, making a total of \$1,999.80.

I will ask the chairman if there has been prepared a tabulated statement of the contents of the red paper box, which contained a lot of loose material, which was brought down by Mr. Essmann in response to a request?

The CHAIRMAN. I will ask the clerk to bring in that tabulation. They will all be introduced and placed in the record at the proper place.

Mr. LITTLEFIELD. Yes. Mr. Sacket, have you examined the loose memoranda, bills, etc., that are contained in the red paper box produced by Mr. Essmann from the State capitol in Madison?

Mr. SACKET. I have, to some extent; yes.

Mr. LITTLEFIELD. Does that box include all of the memoranda that you left with the committee in Madison?

Mr. SACKET. I do not think it does.

Mr. LITTLEFIELD. Of course you are not able to state in detail?

Mr. SACKET. I kept no list, so I can not state positively.

Mr. LITTLEFIELD. I want to go over a list that I hold in my hand, showing disbursements, according to Exhibit 49. Under date of August 20, 1908, there is an item, "C. Bruderle, \$60." What did you find in that red box which relates to that?

Mr. SACKET. I found one bill for \$30, and the other bill I am unable to find.

Mr. LITTLEFIELD. Are you confident that you left the other bill with the committee when you left the first bill?

Mr. SACKET. Yes.

Senator POMERENE. What was it for?

Mr. SACKET. Printing and advertising.

Mr. LITTLEFIELD. Under the same date of August 20 I find an item to F. W. Dangers of \$50. What did you find in this box that relates to that item?

Mr. SACKET. A bill for \$33.93.

Mr. LITTLEFIELD. Was that receipted?

Mr. SACKET. Yes.

Mr. LITTLEFIELD. What do you say about the balance of the \$50?

Mr. SACKET. I presume the other bill was in there.

Mr. LITTLEFIELD. Do you know of any reason why you should leave one bill with the committee and not leave all of the bills?

Mr. SACKET. No. I think I left all of them.

Mr. LITTLEFIELD. Under date of August 21 there is an item to Peter Deidrich of \$50. What do you find in the box that relates to that?

Mr. SACKET. I find a receipt for \$50.

Mr. LITTLEFIELD. What was that for?

Mr. SACKET. I think the receipt shows.

Senator POMERENE. Are you now referring to the red box that was brought in the trunk?

Mr. SACKET. No; I refer to the red box that was produced by Mr. Essmann, which contains material which was left with the joint investigating committee.

Mr. LITTLEFIELD. Under date of September 25 I find an item to W. J. Fossbinder, of \$61. What did you find in respect to that?

Mr. SACKET. I found two bills, covering the entire amount, receipted.

Mr. LITTLEFIELD. Under date of September 5, I find an item to E. A. Hamalrath, of \$13.75.

Mr. SACKET. I am unable to find anything in the box relating to that; but I have quite a definite recollection of having his bill there when I presented it at Madison.

Mr. LITTLEFIELD. Do you feel confident that you left that bill with the committee?

Mr. SACKET. Yes.

Senator POMERENE. What was the purpose of that expenditure?

Mr. SACKET. He expended the money in hanging lithographs and in distributing literature, and paid others for doing that work.

Mr. LITTLEFIELD. Under date of September 5 there is an item to J. Humphrey of \$60.15. What did you find in relation to that?

Mr. SACKET. I found a letter in which he claims \$50. I find no evidence of the other \$10.15.

Mr. LITTLEFIELD. Having seen that letter, state whether or not it refreshes your recollection so that you are able to state that the receipts relating to that item were left with the committee?

Mr. SACKET. My recollection is that they were left with the committee.

Mr. LITTLEFIELD. August 28, Humphrey & Williams, \$25.

Mr. SACKET. I found a receipt covering that entire amount.

Mr. LITTLEFIELD. What was that for?

Mr. SACKET. I do not think the receipt states; but I have a recollection that that was for translating into the Welsh language an advertisement that we published in some Welsh paper.

Mr. LITTLEFIELD. Under date of August 28 I find an item to O. T. Johnson of \$57.76. What did you find in that box relating to that?

Mr. SACKET. I found a bill for that, and two extra items—small amounts.

Mr. LITTLEFIELD. That is, you found receipts for the \$57.76, and in addition to that two small bills?

Mr. SACKET. Yes.

Mr. LITTLEFIELD. All receipted?

Mr. SACKET. Yes.

Mr. LITTLEFIELD. I find under date of July 20, August 10, August 14, August 28, and September 5, items to C. O. Larson, aggregating \$524.80. What did you find in relation to that?

Mr. SACKET. I found his bills and expense account amounting to \$220.

Mr. LITTLEFIELD. Receipted?

Mr. SACKET. Yes.

Mr. LITTLEFIELD. Did you find anything else relating to it?

Mr. SACKET. No.

Mr. LITTLEFIELD. Does that refresh your recollection so that you are able to state whether or not bills covering the total of \$524.80 were filed with the committee?

Mr. SACKET. I think they were all filed.

Mr. LITTLEFIELD. Have you any recollection of any reason why you would file the receipts for \$220 and not for the balance?

Mr. SACKET. There would be no reason.

Mr. LITTLEFIELD. Under date of August 10 I find an item to T. J. Laughlin of \$400. Under date of August 27, an item to A. C. Miller for \$500. Those two are accounted for in the testimony of Mr. Riordan.

Mr. SACKET. Yes.

Mr. LITTLEFIELD. Under date of August 20 and August 27 I find an item to J. B. Marshall of \$150. In the papers in the red box what do you find that relates to that?

Mr. SACKET. I found some letters, in which he explains what the amount was for.

Mr. LITTLEFIELD. State whether or not it is your recollection that the receipts accompanied those letters when you delivered the original memoranda to the committee?

Mr. SACKET. If I had the receipts, they did.

Mr. LITTLEFIELD. Do you remember whether or not you had them?

Mr. SACKET. I would not be sure about that.

Mr. LITTLEFIELD. Under date of August 18, J. C. Miller, \$550. What did you find in relation to that?

Mr. SACKET. I found none of Mr. Miller's expense account. Three hundred dollars of that \$500 was for his salary, leaving \$250 for his expenses. I found none of his expense accounts there, and I have quite a distinct recollection of having had all of them.

Mr. LITTLEFIELD. What did you do with them?

Mr. SACKET. I left them with the committee at Madison.

Mr. LITTLEFIELD. Under date of July 27 there is an item to G. Peterson of \$25. I forgot to ask Mr. Edmonds about that. I think that is an item about which he knew.

Mr. SACKET. Yes.

Mr. LITTLEFIELD. Under date of August 25 and August 31 I find items to W. G. Plindick of \$75.

Mr. SACKET. I found three receipts that covered that.

Mr. LITTLEFIELD. From Mr. Plindick?

Mr. SACKET. Yes.

Mr. LITTLEFIELD. Under date of September 5 I find an item to W. E. Powell of \$4.

Mr. SACKET. I remember that Powell item quite distinctly. That was paid him for services rendered in the campaign, without any previous contract. I am positive that he rendered a bill which I left in that red box.

Senator POMERENE. I am not entirely sure that I understand this testimony. You are explaining now the items which were not fully explained in Exhibit 49?

Mr. LITTLEFIELD. Yes; some that were not fully explained; and I am tracing items in Exhibit 49 to corresponding receipts in the red box so far as we have been able to find them.

Senator POMERENE. That is my understanding.

Mr. LITTLEFIELD. As to some of these there was more or less explanation; and as to those that I am now asking about he happened to find corresponding receipts. Of course, a great many other receipts as to other items I am not following up.

Senator POMERENE. You say there are other receipts to which you are not referring? What is the purpose of that?

Mr. LITTLEFIELD. Because they do not relate to these particular items.

Senator POMERENE. Do they refer to items that are in the account?

Mr. LITTLEFIELD. I have not examined the account with reference to the merchandize items.

Mr. SACKET. The receipts and bills in that box all refer to the account.

Mr. LITTLEFIELD. That is, they all relate to items which are in that account, and not to other items which are not in the account?

Mr. SACKET. As far as I know and understand it, yes.

Mr. LITTLEFIELD. They all relate to items that appear somewhere in the exhibit that aggregates \$98,000?

Mr. SACKET. Yes.

The CHAIRMAN. That is, the receipts aggregate that?

Mr. LITTLEFIELD. No; the exhibit aggregates that. I do not know how many receipts there are.

The CHAIRMAN. Those receipts will all be tabulated, and will appear in the record.

[The tabulation referred to is appended at the end of the proceedings of this day, November 1, 1911.]

Senator POMERENE. What is the aggregate amount of the receipts that are here?

Mr. SACKET. I did not foot that up.

Mr. LITTLEFIELD. I had Mr. Sacket go through all that he was able to find. I thought it would be a convenient thing for the committee to separate those items.

On July 20, July 28, August 4, August 12, August 14, August 28, and September 5 I find items in Exhibit 49 that relate to F. J. Sexton, aggregating \$352.88. What did you find in this box of receipts that relates to that, if anything?

Mr. SACKET. Only one expense bill, of \$36.54. I have quite a distinct recollection of receiving all of Mr. Sexton's expense accounts.

Mr. LITTLEFIELD. Did you get receipts from him for all his expense accounts?

Mr. SACKET. I got receipts, or when I sent him a check I marked the bill paid.

Mr. LITTLEFIELD. What is your recollection about having delivered those to the committee when you delivered this receipt for \$36.04?

Mr. SACKET. It is my recollection now that I kept all of those together, and delivered them to the committee at Madison.

Mr. LITTLEFIELD. Under date of July 22 and July 24 I find items to Wypszinski amounting to \$75. Did you find anything relating to that?

Mr. SACKET. I found a bill and receipt covering that.

Mr. LITTLEFIELD. I was starting to inquire of you the other day in relation to the material that went into the box which seems to have been packed by Mr. Lambeck. I would like to have you state, if you can, how much blank paper or unused stationery went into the box, so far as you remember?

Mr. SACKET. I can not state what went into the box. I have some recollection of the blank unused stationery around the headquarters at the time. I presume, simply, that it went into the box.

Mr. LITTLEFIELD. How much was there?

Mr. SACKET. I should say there were perhaps two or three thousand sheets of ordinary letter paper, and quite a large number of envelopes.

Mr. LITTLEFIELD. How many envelopes?

Mr. SACKET. Possibly about the same number.

Mr. LITTLEFIELD. Were you there at the headquarters after the box left? I think the express receipt shows a date of September 5.

Mr. SACKET. I was in Milwaukee, I think, until September 7, and while I did not keep regular hours at the headquarters after the 1st of September, I was in and out all of the time.

Mr. LITTLEFIELD. Is it or not the fact that all of the unused paper, envelopes, and all of the office paraphernalia were taken up and put into the box so far as you know?

Mr. SACKET. That is my understanding of it; yes, sir.

Mr. LITTLEFIELD. I will ask you to later look at the transcript of the testimony of yesterday, so that we may get at the item to which I heretofore referred.

The CHAIRMAN. Is that the Haslam item?

Mr. LITTLEFIELD. I am not certain.

The CHAIRMAN. I might be mistaken in the name, but my recollection is that that was the item.

Senator POMERENE. Mr. Sacket, I believe you gave instructions to pack up this stuff, did you?

Mr. SACKET. Yes.

Senator POMERENE. And you knew that it was packed up?

Mr. SACKET. I do not believe I knew it was packed up, except from the fact that Mr. Lambeck told me it had been attended to.

Senator POMERENE. When did he tell you that?

Mr. SACKET. Some time before I left Milwaukee, some time before September 11.

Senator POMERENE. You had those facts in mind when you were on the stand before, did you not?

Mr. SACKET. Yes.

Senator POMERENE. We were then trying to locate those papers. Was there any reason why you should not explain to us fully what knowledge you had on that subject?

Mr. SACKET. As I said the other day, I did not understand that you were inquiring about the material that I understood was in that box. I did not understand at that time that there was anything in the box except office fixtures and junk—blank letter paper.

Senator POMERENE. You do remember that the committee and all the members of the committee expended a good deal of time in trying to locate the correspondence, etc.?

Mr. SACKET. I did not think there was any correspondence in the box until after I testified.

Senator POMERENE. You supposed that was destroyed, too, did you?

Mr. SACKET. Yes, sir.

Senator POMERENE. Were those your instructions?

Mr. SACKET. Yes, sir.

Senator POMERENE. You ought to have penalized those men for not following your instructions.

Mr. LITTLEFIELD. If he had been a legislative body he could have made an ex post facto law that might have done that.

The CHAIRMAN. I do not get that quite plain in my mind. Do I understand that you contemplated the destruction of all of the letters that are now before the committee, taken out of that box?

Mr. SACKET. The copies of letters and letters on file pertaining to the primary campaign I intended to have destroyed after the primary campaign.

Mr. LITTLEFIELD. That was your original statement, I believe, in relation to it?

Mr. SACKET. That I ordered them destroyed?

Mr. LITTLEFIELD. Yes.

Mr. SACKET. Yes, sir.

The CHAIRMAN. What did you expect to retain for Senator Stephenson, as his agent, as evidence of the money that you had sent to people?

Mr. SACKET. The account, Exhibit 47, as I filed it before the legislative committee.

The CHAIRMAN. But that would not be evidence. Did you not intend to retain any original evidence that you could show to Senator Stephenson in case he desired to question your account?

Mr. SACKET. No, sir.

The CHAIRMAN. Why not?

Mr. SACKET. I did not think he would require any evidence.

The CHAIRMAN. For instance, on August 22 there is a letter addressed to Mr. C. E. Brady, at Manitowoc, Wis., as follows:

MY DEAR SIR: Inclosed find draft for \$500, which you will please use as directed.
Very truly, yours,

Did you not realize that that was some evidence of the fact that you had actually sent that money to that man?

Mr. SACKET. I did not consider that fact; no, sir.

The CHAIRMAN. And you intended to destroy that?

Mr. SACKET. Yes, sir.

Mr. LITTLEFIELD. You had the draft that was inclosed in the letter, I suppose?

Mr. SACKET. Yes.

The CHAIRMAN. In view of the fact that the committee intends to insert and use this, I only want to identify your idea, as you expressed it to Senator Pomerene, that you had given instructions that this class of matter should be destroyed.

Senator POMERENE. If you had been engaged in the lumber business for Senator Stephenson, would you have taken it upon yourself to have destroyed or ordered destroyed a lot of his correspondence, cards, etc.?

Mr. SACKET. If I had been in the lumber business for Senator Stephenson, and the business was finally closed, and there were a lot of copies of letters and old letters around that I did not think would be of any use, I would have ordered them destroyed; yes, sir.

Senator POMERENE. You recognized the fact, as a man of affairs, that often it is quite important for a business man to have old receipts and checks and stubs and book accounts even after business transactions are closed?

Mr. SACKET. I kept original receipts; that is, it was my intention to keep them in all cases.

Senator POMERENE. Oh, no; you kept original receipts, you explained before, as to printed matters, etc.; but you kept no receipts for moneys that were paid out to the submanagers.

Mr. LITTLEFIELD. The evidence here this morning shows that there were such receipts kept, because they appear.

Senator POMERENE. Not all of them; some of them.

Mr. LITTLEFIELD. They do not all appear. I do not know how many of them were kept. I do not know how many were delivered to the committee. But when we get the box here we find it contains quite a number of those receipts.

Senator POMERENE. Mr. Littlefield, do you and I differ on this proposition: That these witnesses said, as a general rule, that they did not keep any receipts or take any receipts from the men that came in?

Mr. LITTLEFIELD. I do not remember that testimony. I remember that as a general rule they did not call for any account, and did not have any accounts rendered. Whether they took receipts or not, I do not remember. The Senator may be right about that. I do remember that no accounts were called for.

Senator POMERENE. If there were any such receipts my recollection now is that it was the exception when any receipts were taken.

Mr. LITTLEFIELD. I am inclined to think you may be right. So far as accounts rendered were concerned, Mr. Sacket filed yesterday a list showing that about a third, or 25 per cent—

Mr. SACKET. About 25 per cent.

Mr. LITTLEFIELD (continuing). That about 25 per cent did render accounts.

Senator POMERENE. Yes.

Mr. LITTLEFIELD. The other 75 per cent, of course, did not.

The CHAIRMAN. The thing that rather astonishes me is that the manager—and Mr. Sacket seems to have been the real practical manager of this campaign; that is, the details passed through his hands—should say on the witness stand here that he gave instructions, and intended that those instructions should be carried out, that this correspondence should be destroyed. I shall not undertake to charge Senator Stephenson with knowledge of that fact; but it is indicative of the mind and intention of his manager.

Merely as one of a dozen instances of the character of this correspondence, I find here a letter dated August 21, written to Mr. M. J. Fumelle, Oconto, Wis.:

MY DEAR SIR: In accordance with our talk by phone to-day, I am sending you draft for \$100, which you will use to the best advantage in furthering the interests of Mr. Stephenson in any part of the county.

I am glad to learn that you are sure of carrying the county, but with this aid we will be able to carry it big.

With kindest regards, I am,

Yours, very truly,

_____.

This letter would seem to have been from Mr. Edmonds, because the reply comes addressed to Mr. E. A. Edmonds, Milwaukee, dated Oconto, Wis., 8/22. The other was "8/21." The reply comes the next day. He says:

I beg to acknowledge receipt of your valuable contribution, and will again say it is only a question of the size of the majority. The Senator has practically no opposition in the Republican ranks, and we are getting many Democrats to vote for him at the primaries. I will write you again Monday or Tuesday and keep you informed of anything which may turn up.

Respectfully, yours,

M. J. FUMELLE.

That any manager of a campaign should contemplate the destruction of that class of literature in the State of Wisconsin—and I read that merely as one of a class—is beyond my comprehension, whatever effect may be given to the laws.

I made the statement the other day that this witness, when he was on the stand, testified that he gave instructions to destroy all of this class of material. My recollection is that I was met with an expression of astonishment, and the statement that I was mistaken. I turned over the leaves of this witness's testimony here for quite a while until my attention was demanded in connection with the hearing. Now he comes on the witness stand and states as a fact that he gave those orders.

Mr. LITTLEFIELD. I understand the witness so stated—

The CHAIRMAN. I have here before me the correspondence, with the letter and the answer so arranged that they are pinned together; and I find, as I am turning them over, that class of letter. I want to ask the witness a question at this point.

Mr. LITTLEFIELD. May I be allowed to say, so far as counsel are concerned——

The CHAIRMAN. Oh, I was not reflecting on counsel at all. I am not reflecting on anybody. I am simply trying to get at a fact.

Mr. LITTLEFIELD. I rather thought the chairman of the committee suggested that the counsel manifested some astonishment about something.

The CHAIRMAN. Enough to have me send for the record and spend some time in going over it.

Mr. LITTLEFIELD. I simply wanted to say this: My understanding is that Mr. Sacket in the first place testified, as he is testifying now, that he instructed that this correspondence be destroyed. As to that, I want to say that Mr. Sacket makes his statement on his own responsibility, without any suggestion, either direct or indirect, from the counsel for Senator Stephenson.

The CHAIRMAN. It was not the intention to suggest anything of that kind.

Mr. LITTLEFIELD. No.

The CHAIRMAN. I am now asking this in connection with the condition of affairs developed since. The impression the committee received from Mr. Sacket was that these were destroyed. He may have been under that impression; I do not know. I want to know. But it may account for the fact that he said nothing about these papers having been shipped away, and having traveled over the country.

Did you learn at any time before this box was brought in before the committee that these letters had not been destroyed, Mr. Sacket?

Mr. SACKET. Not positively; but after I testified here the first time Mr. Lambeck told me that it was his recollection that he did send those letters with the things that I had directed him to send to Marinette.

The CHAIRMAN. Have you not been going over these letters with Mr. Black prior to or about the beginning of this investigation?

Mr. SACKET. Going over those letters?

The CHAIRMAN. Over any letters.

Mr. SACKET. No, sir.

The CHAIRMAN. Any letters that came in that box?

Mr. SACKET. No, sir.

The CHAIRMAN. Did you not know that Mr. Black had selected out a roll of letters from the body of letters, and that he had them in his office?

Mr. SACKET. I did not; no, sir.

Mr. BLACK. Mr. Chairman——

The CHAIRMAN. What is it?

Mr. BLACK. I want to except to the statement that I selected out that roll. That is not the testimony.

The CHAIRMAN. Counsel does not need to interrupt for that purpose. The chairman remembers perfectly the account given of the roll of letters which was taken yesterday.

Mr. BLACK. But it did not come out of this correspondence.

The CHAIRMAN. The counsel will have an opportunity to testify if he desires to. I want to purge this witness's mind. I want to find out whether or not we have been met with perfectly good faith by

these witnesses who said nothing about the existence of this correspondence.

Do I understand you to say that the reason you did not do it was because you thought they were destroyed and were included in your statement that the papers had been destroyed?

MR. SACKET. It was my understanding when I testified that they were destroyed; yes, sir.

THE CHAIRMAN. When did you first know that they were not destroyed?

MR. SACKET. I first learned of it when I talked to Mr. Lambeck, and suspected it. I knew it when I saw——

SENATOR POMERENE. Fix that date with reference to this hearing.

MR. SACKET. When I talked to Mr. Lambeck was after I had testified here.

THE CHAIRMAN. And you did not know, when you testified, that these letters were still in existence?

MR. SACKET. I did not; no, sir.

THE CHAIRMAN. You testified before the joint investigating committee?

MR. SACKET. Yes, sir.

THE CHAIRMAN. Did you think at that time that these letters were all destroyed?

MR. SACKET. I did; yes, sir.

THE CHAIRMAN. Did you not know of the shipping of the box to the various points at that time?

MR. SACKET. I did not; no, sir.

THE CHAIRMAN. When did you first know of that?

MR. SACKET. It was about the time that it was brought out here in testimony before this committee. I may have heard it——

THE CHAIRMAN. Then you have at no time been a party, in the way of advice or otherwise, to the shipment of this box of papers?

MR. SACKET. I have not; no, sir.

THE CHAIRMAN. And knew nothing about it?

MR. SACKET. And knew nothing about it.

THE CHAIRMAN. Until you heard it testified to?

MR. SACKET. No, sir.

THE CHAIRMAN. I will say, Mr. Black, that the statement of the chairman was merely for the purpose of designation of a roll of papers that you had in your possession and delivered to the committee yesterday. It had nothing to do with your action in connection with them, except merely for the purpose of identifying them. That is all.

MR. BLACK. I thought from the chairman's statement——

THE CHAIRMAN. We shall not go back into the question of how they were separated, because your testimony shows exactly when you took them from the body of the letters, and all about it.

MR. BLACK. No; it does not. The chairman is mistaken about it.

THE CHAIRMAN. If counsel will simply make the statement in proper and parliamentary language, it will be sufficient. The chair is not mistaken as to your testimony. If he thinks he is, he will refer to it and read it. We do not need at this time to have any controversy in regard to it.

MR. BLACK. I am perfectly willing to stand on the record.

THE CHAIRMAN. We will stand that way.

MR. LITTLEFIELD. Is there anything more from Mr. Sacket?

Senator POMERENE. Did you give instructions for the destruction of these itemized accounts which were rendered by some of the submanagers and to which you referred a moment ago?

Mr. SACKET. No, sir; I did not order any of those destroyed. I intended to keep those separate in my own desk.

Mr. LITTLEFIELD. If the Senator will excuse me for just a moment, I should like to have that tabulated statement before Mr. Sacket leaves the stand.

The CHAIRMAN. What tabulated statement?

Mr. LITTLEFIELD. The tabulated statement of the contents of the box.

The CHAIRMAN. That will be put in by the committee.

Mr. LITTLEFIELD. I should like to have it so that if I want to ask Mr. Sacket a question about it I can have the privilege of doing so.

The CHAIRMAN. But it is not available for examination upon until the committee determines the place it shall occupy in this testimony.

Mr. LITTLEFIELD. Then, as I understand it, I shall have to wait until the committee introduces it.

The CHAIRMAN. Counsel has had at his disposal the box itself and has made some kind of a statement of its contents.

Mr. LITTLEFIELD. Counsel has not had made any tabulated statement, for the very reason that the chairman stated in the hearing that the chairman was to have a tabulated statement made, and I wanted to predicate my examination upon the official tabulated statement and not any tabulation made by one of my witnesses.

The CHAIRMAN. It will become official when the committee introduces it.

Mr. LITTLEFIELD. Then I will ask Mr. Sacket to wait here, and when that statement comes in if I want to ask him about it I shall have to do it.

The CHAIRMAN. I think counsel is probably borrowing trouble.

Mr. LITTLEFIELD. I hope not. I will not cross that bridge until I get to it.

The CHAIRMAN. Counsel will not have access to a tabulated statement, but will have access to the papers themselves when he needs them, as he has had. The committee will exercise its own judgment as to when it will incorporate into this record those things which it prepares for that purpose.

Mr. LITTLEFIELD. I do not propose to have any controversy with the committee about that. Is that all?

(By direction of Senator Pomerene, the reporter read as follows:)

Senator POMERENE. Did you give instructions for the destruction of these itemized accounts which were rendered by some of the submanagers, and to which you referred a moment ago?

Mr. SACKET. No, sir; I did not order any of those destroyed. I intended to keep those separate in my own desk.

Senator POMERENE. What directions did you give with respect to those accounts—I mean, to your office help?

Mr. SACKET. As I remember it, my instructions were to bring those to me.

Senator POMERENE. Were they brought to you?

Mr. SACKET. In a great many cases, yes, sir.

Senator POMERENE. Were not some of them included in this box that was shipped to Senator Stephenson?

Mr. SACKET. Not by my direction or with my knowledge. 'They may have been carelessly.

Senator POMERENE. Do you know now whether they were or not?

Mr. SACKET. I do not; no, sir.

Senator POMERENE. From what did you get your memorandum as to the number of the submanagers who furnished itemized accounts? I think you made the statement yesterday that there were about 25 per cent of them.

Mr. SACKET. I went over Exhibit 49 and gave the names of those who furnished accounts, to the best of my recollection.

Senator POMERENE. That is, you simply refreshed your memory after an inspection of Exhibit No. 49?

Mr. SACKET. I refreshed my memory by an examination of it; yes, sir.

Senator POMERENE. I say, you refreshed it from that alone, and not from the accounts themselves?

Mr. SACKET. Yes, sir.

Senator POMERENE. I think that is all.

Mr. LITTLEFIELD. That is all.

Has the committee received the affidavit from Mr. Fenelon?

The CHAIRMAN. Yes.

Mr. LITTLEFIELD. If it is agreeable, I should like to have it incorporated in the record now.

The CHAIRMAN. Mr. Hines will now come to the stand. It may be offered while he is on the stand.

Mr. LITTLEFIELD. I have, if the chairman pleases, an additional affidavit. This was one that was in process of preparation when the statement was made yesterday.

The CHAIRMAN. Yes; that may be received.

Mr. LITTLEFIELD. I will therefore put that in.

Senator POMERENE. Is this the Fenelon affidavit?

Mr. LITTLEFIELD. No; this is an affidavit of Mr. Gehee. I should like to make this statement: Brother Black and I have conferred about the matter of further affidavits as to the use of funds by the submanagers and persons to whom the submanagers intrusted funds for disbursement in the interest of Senator Stephenson in the primary campaign. I conferred with Mr. Black about that matter since the adjournment last night. We understand the subcommittee to hold that additional affidavits along those lines are unnecessary, and would needlessly cumber the record. For that reason we have decided not to take and present any more affidavits of that character, holding ourselves in readiness, however, to take and submit affidavits of that character if desired. As to the affidavits from poll workers, we understand that for the reason given by the committee that suggestion is withdrawn, and that we shall have no occasion to submit affidavits of that character.

So, for these reasons, we shall not submit any further affidavits unless the subcommittee or the full committee or anybody else may desire it, having it distinctly understood that we will cover all that ground if anybody suggests that it ought to be covered.

The CHAIRMAN. The matter may stand in that way.

Mr. LITTLEFIELD. That, of course, relieves us of the annoyance or work of the further submission of affidavits. This one I will put in right now.

Senator POMERENE. The affidavit that you are now presenting is similar to those presented yesterday?

Mr. LITTLEFIELD. Yes. This was in process of preparation, and as long as we had the affidavit completed I thought I would simply use it and make it a part of the record. I have not read it, but it is of the same character.

(Mr. Gehbe's affidavit appears on p. 2125.)

(Mr. Sacket subsequently furnished the following statement, which, by direction of the committee, is made part of the record:)

L. A. Calkins made an affidavit in which he stated that he had received \$760. Exhibit 49 shows him charged with \$300 in his own name. He received \$250 in cash from E. A. Edmonds, which appears in Exhibit 49 under the head of "General." He received a check from E. A. Edmonds on the National Exchange Bank for \$210, which came out of the \$5,000 given to Edmonds. That accounts for the discrepancy.

ADDITIONAL TESTIMONY OF EDWARD HINES.

EDWARD HINES, having been previously sworn, was recalled, and further testified as follows:

The CHAIRMAN. Before this witness testifies, I desire to read into the record the following telephone message sent to Senator Husting at Maysville, Wis., October 31, 1911, after it was directed that Mr. Hines appear:

Edward Hines will appear before the committee to-morrow morning, in order that opportunity may be afforded him to explain the conversation you allege in your testimony occurred between him and Mr. Shields. If you know of anyone who can corroborate the truth of your statements regarding this conversation, please furnish the committee with the names and addresses, and be present to-morrow to answer any further questions that may be asked.

That was sent to him by the chairman. The answer came back from Senator Husting:

I can not add anything to my testimony given yesterday, nor do I know of anyone who can personally state that the alleged conversation occurred. Unless the committee require my presence, I prefer not to attend to-morrow, as I am very busy here in court, and have already given three weeks of my time to the committee.

That is the answer that came. I want that to precede Mr. Hines's testimony.

Mr. LITTLEFIELD. Yes. Mr. Hines has already been sworn.

The CHAIRMAN. Yes.

Mr. LITTLEFIELD. Mr. Hines, I desire to call your attention to the fact that on direct examination by the subcommittee, in volume 23, page 145, on October 30, Mr. Husting testified as follows:

Mr. HUSTING. Mr. McCordic said that he had been informed of this by Mr. Cook, and that Mr. Cook had told him he had heard that Mr. Hines—just strike that out—he told us that Mr. Cook had heard that the thing was "pulled off" somewhat in this way at Madison: That Mr. Hines, after hearing of this resolution to investigate, had conceived the idea of assisting in the obstruction of Mr. Stephenson's election, and sent somebody down here (I think Mr. Shields)—sent somebody down to Madison to aid in heading off his immediate election; that this agent went down to Madison and told some men who were voting for Stephenson that they were fools; that if they would hold off for a while, there might be something in it for them.

The CHAIRMAN. Mr. McCordic told you that Cook said that?

Mr. HUSTING. He was giving us the story as Mr. Cook had given it to him.

The CHAIRMAN. Go ahead.

Mr. HUSTING. That this messenger was successful at Madison; whereupon Mr. Hines saw Mr. Stephenson, and told Mr. Stephenson that there might be some difficulty in

his being elected at Madison, but that he thought he could secure it for him, "pull it off," but that it would require considerable money; that Mr. Stephenson inquired how much it might be, and Hines thought \$115,000 would be about what it would require; that Mr. Stephenson demurred at first, but afterwards paid half the money, or rather \$55,000 or so first—I can not recollect—but, at any rate, he was to pay half of this; that Mr. Hines then dispatched Robert Shields down to Madison to do the job, and that he did it. That, in substance, is what Mr. McCordic told us.

Mr. Husting further says:

Mr. Cook also told us that he had personally seen Robert Shields on the train from Duluth to Chicago. I forgot to mention, also, that when Mr. Cook came there the first thing he said was that we should keep this matter in confidence, and that he would refuse to tell us anything except in confidence. He then told us about this train, afterwards saying that he was sitting in a seat in a railroad train, and that Mr. Shields came by him and accosted him, greeted him; that Cook refused to recognize him, and that Shields came back again and tried to get into conversation with Cook, and wanted to know what was the trouble; and Cook told him that he was a "cheap skate," or something like that; that he had heard that he had a good chance to hold up "old Hines," and now had let him off with a bagatelle, or something like that—"let him off easy"; and Shields gave him some answer acknowledging that it was true, and I think possibly, as Mr. Cook explained it here (I heard his testimony here), that it was "all fixed up," or something to that effect.

Is there any truth in this statement that I have just read to you in relation to yourself?

Mr. HINES. There is absolutely none.

Mr. LITTLEFIELD. Was any arrangement made by you with Mr. Shields in relation to "holding up" the election of Senator Stephenson?

Mr. HINES. Absolutely none.

Mr. LITTLEFIELD. Did you approach Senator Stephenson with the suggestion that his election was attended with trouble, and that if he would contribute either \$55,000 or \$115,000 you could take care of the trouble?

Mr. HINES. I did not.

Mr. LITTLEFIELD. Did you have any conversation of any kind with Mr. Shields in relation to that matter?

Mr. HINES. I did not.

Mr. LITTLEFIELD. Did you have any conversation of any kind with Senator Stephenson in relation to that matter?

Mr. HINES. No, sir.

Mr. LITTLEFIELD. Upon cross-examination, when Mr. Husting is required to state all that he remembers about the conversation, he repeats substantially what I have read to you as given on the direct examination, and then adds the following:

Oh, yes, yes; there is another thing that escaped my mind: That Bob Shields then went down to Chicago to get his money—he was to get \$15,000—and that he went into Mr. Hines's office and demanded his pay for what he had done, and that Mr. Hines told him it was too much, or that he would not pay him, or something of that kind; and that Shields went back to Superior and got Harper, and that they then went down to Chicago, and Mr. Wiehe and Mr. Hines were there, and got into a dispute, and got pretty loud, and finally Hines told him that if he persisted in blackmailing him in that way he would see that he went to the penitentiary; and that then Shields said: "I have burned your buildings for you, I have bribed the assessors for you for your taxes, and I have committed every crime in the calendar except murder for you, and if I go to the penitentiary, by God, you are going along with me."

Did any conversation like that ever occur between you and Mr. Shields?

Mr. HINES. Absolutely none.

Mr. LITTLEFIELD. Did Mr. Shields ever state to you that he had burned buildings for you?

Mr. HINES. No, sir.

Mr. LITTLEFIELD. That he had bribed assessors for you?

Mr. HINES. No, sir.

Mr. LITTLEFIELD. That he had committed any crime for you?

Mr. HINES. No, sir.

Mr. LITTLEFIELD. Or that you were going to the penitentiary with him?

Mr. HINES. No, sir.

Mr. LITTLEFIELD. Did he ever make any demand on you for compensation for any services rendered in connection with Senator Stephenson's election?

Mr. HINES. No, sir.

Mr. LITTLEFIELD. Either directly or indirectly?

Mr. HINES. No, sir.

Mr. LITTLEFIELD. Did you make any settlement with him in connection with that matter?

Mr. HINES. No, sir.

Mr. LITTLEFIELD. Either directly or indirectly?

Mr. HINES. No, sir.

Mr. LITTLEFIELD. Then he went on further to say:

That Hines then sent Wiehe out after him and got him back, and that they compromised on, I think it was, \$5,000—I see Mr. Cook said it was \$7,500, and maybe that is correct—and a certain amount of insurance on the casket factory in Chicago in which Mr. Hines is said to be interested, or in which Mr. Shields claimed that Mr. Hines was interested. Then there was this matter in regard to the train that I have already testified to.

Was any arrangement ever made by you in connection with any insurance on any casket factory?

Mr. HINES. No, sir.

Mr. LITTLEFIELD. Or any other property?

Mr. HINES. No, sir; and in this connection I will say that I am not a stockholder in any casket factory in the United States.

Senator POMERENE. You say anywhere in the United States?

Mr. HINES. Anywhere in the world.

Mr. LITTLEFIELD. I think that is broad enough.

Mr. HINES. I would like to inquire if there were any dates given in this testimony.

Mr. LITTLEFIELD. No; this purports to be the same conversation as to which you testified the other day.

Mr. HINES. I mean to say, whether or not these gentlemen happened to be in Chicago at a time when I could determine whether or not I was there.

Mr. LITTLEFIELD. Gov. Morris could not remember where they stopped, but Mr. Husting testified they registered at the Great Northern Hotel.

Mr. HINES. I mean whether or not the dates when these alleged conversations took place were stated, so that I could see whether I was at that time in Chicago.

The CHAIRMAN. The dates can be obtained by reference to the hotel register.

Mr. HINES. I have a record of where I have been every day for 20 years, and recently it was very important.

Mr. LITTLEFIELD. I will say to Mr. Hines that we endeavored to get those dates fixed by Gov. Morris, but he was unable to give the dates.

The CHAIRMAN. The conversation about which you are now inquiring is the hearsay testimony in regard to what was said at the conference when Lieut. Gov. Morris and Senator Husting and Mr. Cook were in the lawyer's office.

Mr. HINES. What I want to get is whether they at any time fixed a date or an approximate date when this conversation between Mr. Shields and Mr. Harper and myself took place; because if that is given I could probably enlighten the committee as to whether or not I was in the city of Chicago at that time. If I was not there, it is the best evidence that no such conversation could have taken place.

The CHAIRMAN. You refer to the conversation in the lobby of the Grand Pacific Hotel?

Mr. HINES. No. I understand this conversation took place somewhere else.

Mr. LITTLEFIELD. They failed to give any details of that sort, and it was impossible, under cross-examination, to get the details.

Mr. HINES. If I had those details, I could probably state exactly where I was at that time.

Mr. LITTLEFIELD. Whether purposely or otherwise, the statement is definitely left without details.

Mr. HINES. I desire to state to the chairman that I have for 20 years kept a record of my whereabouts every day in the year, and pretty nearly every hour. That record is of such a character that it can not be contradicted; and if they could give the dates and the places of this conversation, in all probability I could tell where I was at that time.

Mr. LITTLEFIELD. This conversation, as to which I have interrogated you, purports to have occurred at some time after the correspondence detailed by Senator Morris, as to which you testified the other day; but it is profoundly different from that. For that reason I want to ask you about it.

Mr. HINES. I read his testimony; but nowhere do they give the place or the date when the alleged conversation occurred, so it makes it impossible for me to tell where I was at that time, because they do not say at what place or time the conversation occurred.

Mr. LITTLEFIELD. The conversation as related by them is entirely bare of all those details, and it was impossible to get any such details from the witness.

The CHAIRMAN. I think perhaps I am correct in saying this: The testimony stated that the difficulty about the settlement was in Chicago. Further, that the witness stated that Mr. Shields went to Mr. Hines's office in Chicago and had a violent conversation, wherein he failed to make a settlement, and that he, Mr. Shields, went back to Superior to get his friend, and then went back to the office of Mr. Hines, in Chicago. That is my recollection of the testimony.

Mr. HINES. But no date is stated.

The CHAIRMAN. No; and whether or not the date of the conversation can be fixed, directly or approximately, is a question as to which I should like to examine the testimony.

Mr. HINES. As I have already explained, the reason why I now inquire about that is that I could assist the committee, because in

my office there has been a record kept since we first went into business, over 20 years ago, of where I am every day in the year; and it can be verified.

The CHAIRMAN. The committee understands that.

Mr. LITTLEFIELD. That is all.

Mr. HINES. And the committee can have access to those records at any time.

The CHAIRMAN. The committee may be able to fix that date much more clearly than would seem from the suggestion of counsel as to this trip to Chicago, the failure to agree, the return to Superior, and then the return to Chicago. The place of the conference is fixed by the testimony as being at Mr. Hines's office in Chicago, and it remains only to fix the date.

Mr. LITTLEFIELD. If the committee finds anything relating to the date, I should be very glad to have my attention called to it.

Senator POMERENE. So far as that is concerned, it relates only to hearsay testimony in any event. There is no one who claims to have any primary knowledge.

Mr. LITTLEFIELD. Oh, no.

Senator POMERENE. I understand that the statements of the witness go only to the question of whether or not there was any such conversation between him and Mr. Shields or between him and Mr. Harper; and he does not claim to have any knowledge of whether this conversation took place between Mr. Husting and Mr. Morris and Mr. Cook.

Mr. LITTLEFIELD. No.

Senator POMERENE. He knows nothing about that?

Mr. LITTLEFIELD. No.

Referring to the matter of insurance, I suppose, Mr. Hines, the companies in which you are interested, and you yourself, personally, have carried relatively large lines of insurance for a great many years?

Mr. HINES. Yes, sir.

Mr. LITTLEFIELD. And I suppose you have sustained some losses, more or less?

Mr. HINES. I think our losses have been at a minimum. The insurance company has, at several times, so advised me. Our relations with the various insurance companies are most cordial. We are receiving about the lowest possible rates on our insurance.

Mr. LITTLEFIELD. Have you ever had any controversy with any insurance company over any loss that has ever been sustained, either by yourself or by the companies in which you are interested?

Mr. HINES. We have never had a difference with an insurance company on any loss of any character, either through our own companies or through any subsidiary companies. We never have had a difference. I make that broad statement, because the insurance companies are scattered all over the United States.

Mr. LITTLEFIELD. That is all.

Senator POMERENE. In the last two years, was there any controversy between Mr. Shields and yourself which grew out of your business matters?

Mr. HINES. I do not recollect anything of a serious character. Harper & Co. tried to get a larger proportion of insurance from the Virginia & Rainy Lake Co.

Senator POMERENE. You spoke of that the other day.

Mr. HINES. Yes. It was purely a question of their wanting more than I thought I could give them.

Mr. LITTLEFIELD. Did Mr. Shields, or Harper & Shields, ever make any demand upon you for compensation for any cause out of which a controversy arose?

Mr. HINES. No, sir.

Mr. LITTLEFIELD. And the only difference you ever had is the difference you spoke of, when they wanted more insurance than you felt under the circumstances it was proper to give them.

Mr. HINES. Yes.

Mr. LITTLEFIELD. That was in connection with the Virginia & Rainy Lake Co.?

Mr. HINES. Yes; and I think I have explained the reasons why.

Mr. LITTLEFIELD. That is all.

Mr. HINES. Do I understand that I am excused?

The CHAIRMAN. Yes; you are excused from further attendance.

TESTIMONY OF D. W. SATTLER.

D. W. SATTLER, having been duly sworn, testified as follows:

Mr. LITTLEFIELD. Mr. Sattler, are you in any way connected with a casket company in Chicago?

Mr. SATTLER. Yes, sir; the Western Casket Co.

Mr. LITTLEFIELD. Is there in connection with that an allied company?

Mr. SATTLER. The Western Casket & Undertaking Co. do a retail business.

Mr. LITTLEFIELD. What is your connection with those two companies?

Mr. SATTLER. I am the president.

Mr. LITTLEFIELD. You are also a stockholder?

Mr. SATTLER. Yes, sir.

Mr. LITTLEFIELD. How long has the Western Casket Co. been in existence?

Mr. SATTLER. About 10 years.

Mr. LITTLEFIELD. Will you state whether or not Harper & Shields were original stockholders in the Western Casket Co.?

Mr. SATTLER. Not original. They became stockholders about six months after it was organized, or about the time that I became interested in it.

Mr. LITTLEFIELD. It then had a capital stock of how much?

Mr. SATTLER. \$25,000.

Mr. LITTLEFIELD. And they held how much stock?

Mr. SATTLER. \$7,500, at that time.

Mr. LITTLEFIELD. That would be about 30 per cent. Has its capital since that time been increased?

Mr. SATTLER. Yes.

Mr. LITTLEFIELD. And how much of the capital stock do they now hold?

Mr. SATTLER. \$10,000.

Mr. LITTLEFIELD. Is that company popularly known in Chicago as the Casket Factory?

Mr. SATTLER. Yes.

Mr. LITTLEFIELD. That is the popular name?

Mr. SATTLER. The Western Casket Co.; yes.

Mr. LITTLEFIELD. Is it called the "Casket Factory" or has it a factory?

Mr. SATTLER. Yes.

Mr. LITTLEFIELD. In which it manufactures caskets?

Mr. SATTLER. Yes.

Mr. LITTLEFIELD. Is Mr. Hines a stockholder in that company?

Mr. SATTLER. No; he is not.

Mr. LITTLEFIELD. Have Harper & Shields carried any line of insurance on its property?

Mr. SATTLER. Yes; in the past year.

Mr. LITTLEFIELD. For how long?

Mr. SATTLER. About a year ago we gave them a line of insurance.

Mr. LITTLEFIELD. Under what circumstances?

Mr. SATTLER. Mr. Harper approached me and claimed that he had not been getting any dividends, and wanted to know if we would not give him a part of the insurance, and I agreed to do it.

Mr. LITTLEFIELD. The company had not been paying any dividends?

Mr. SATTLER. No, sir.

Mr. LITTLEFIELD. It cost you no more to insure the company through Harper & Shields's agency than it did in any other agency?

Mr. SATTLER. No, sir. Through the efforts of Mr. Harper our rates were somewhat reduced.

Mr. LITTLEFIELD. When the change was made, there was some reduction in the rate?

Mr. SATTLER. It was made at the time we put in a number of branch undertaking stores around through the city.

Mr. LITTLEFIELD. What proportion of the insurance do they now carry?

Mr. SATTLER. I should say two-thirds.

Mr. LITTLEFIELD. Did Mr. Hines, either directly or indirectly, have anything to do with your placing this line of insurance with Mr. Shields?

Mr. SATTLER. Absolutely not.

Mr. LITTLEFIELD. Did he have any knowledge of it, so far as you know, until you stated it here to-day?

Mr. SATTLER. Absolutely none until this morning.

Mr. LITTLEFIELD. Did he, either directly or indirectly, have any connection with the arrangement that was made?

Mr. SATTLER. Absolutely none.

Mr. LITTLEFIELD. Had they carried a line of insurance on a part of the company during the last eight years?

Mr. SATTLER. No, sir.

Mr. LITTLEFIELD. This was the first insurance that they carried?

Mr. SATTLER. Yes.

Mr. LITTLEFIELD. During all this period they had been stockholders?

Mr. SATTLER. Yes.

Mr. LITTLEFIELD. And without the receipt of any dividends?

Mr. SATTLER. Yes. Mr. Harper is a director in the company.

Mr. LITTLEFIELD. And they now own about a tenth of the capital stock?

Mr. SATTLER. Yes; Harper and Shields together.

Mr. LITTLEFIELD. That is all.

The CHAIRMAN. You are excused.

AFFIDAVIT OF JAMES FENELON.

The CHAIRMAN. I will introduce into the record at this place the affidavit of James Fenelon, which is as follows:

STATE OF WISCONSIN, *Fond du Lac County*, ss:

James Fenelon, of the town of Ripon, Fond du Lac County, Wis., being first duly sworn, on oath deposes and says that in the year 1909 he was the member of assembly from the second district of Fond du Lac County, Wis.

That on the morning of March 4, 1909, his nephew, William Fenelon, who resides with him in said town of Ripon, informed him that Roy E. Reed had just called up by phone and asked if he could wire a Democrat at Madison asking for a pair on United States Senator, that said Reed had said that he had a chance to get such a pair.

That affiant then informed said William Fenelon that it would be all right for Reed to wire for such a pair.

That not long thereafter affiant was informed that Thomas Ramsey had paired with him on the vote for United States Senator.

That affiant has heart trouble, which he has had ever since the last of January, 1909, and for that reason did not appear before the committee investigating the election of Isaac Stephenson, holding sessions at Milwaukee, Wis., fearing that the trip there might result seriously to him.

That while affiant was in attendance at the session of the Wisconsin Legislature of 1909, in the month of January of that year, he voted four times for Isaac Stephenson for Senator, being the only times a vote on United States Senator was taken while he was in attendance at said session.

That affiant, as a candidate for election to the legislature, had announced publicly through the press and otherwise that should he be elected he would vote for the candidate for United States Senator receiving the nomination at the primary.

JAMES FENELON.

Subscribed and sworn to before me this 31st day of October, 1911.

[SEAL.]

JAS. L. STONE,
Notary Public, Wisconsin.

My commission expires July 7, 1912.

TESTIMONY OF HENRY OVERBECK—Resumed.

Mr. LITTLEFIELD. Mr. Overbeck, were you in attendance upon the legislature in 1909 at the time Senator Stephenson was elected?

Mr. OVERBECK. I was.

Mr. LITTLEFIELD. Were you there in the interest of Senator Stephenson?

Mr. OVERBECK. I was.

Mr. LITTLEFIELD. Were you taking an active part in looking out for the details in connection with the election?

Mr. OVERBECK. Yes.

Mr. LITTLEFIELD. Did you keep tab upon the members, and keep track of their presence and absence, and matters of that kind?

Mr. OVERBECK. From day to day; yes, sir.

Mr. LITTLEFIELD. That was for the purpose of ascertaining the conditions as they existed from time to time?

Mr. OVERBECK. Yes, sir.

Mr. LITTLEFIELD. Did you at any time arrange a pair between Senator Randolph and Assemblyman Daub?

Mr. OVERBECK. I did not.

Mr. LITTLEFIELD. Did you know about that pair?

Mr. OVERBECK. I did, after it was made.

Mr. LITTLEFIELD. State briefly what you know about it.

Mr. OVERBECK. In talking over our list of absentees and those who were present I learned that both were absent, and I learned that

Senator Randolph and Mr. Daub had arranged a pair between themselves.

Mr. LITTLEFIELD. So that you ascertained the existence of the pair?

Mr. OVERBECK. Yes.

Mr. LITTLEFIELD. Was the ascertainment of the existence of these pairs one of the matters to which you gave your personal attention?

Mr. OVERBECK. Yes.

Mr. LITTLEFIELD. State whether or not it was a usual or unusual thing for members of the legislature to pair during that contest.

Mr. OVERBECK. It was a usual thing.

Mr. LITTLEFIELD. Was it frequently done?

Mr. OVERBECK. Yes.

Mr. LITTLEFIELD. Do you know whether the pairs were ordinarily evidenced by writing, or did they rest on oral agreements between the members?

Mr. OVERBECK. It was simply a gentleman's agreement between them, so far as I know.

Mr. LITTLEFIELD. Do you recollect having a conversation with Mr. Edmonds during the progress of the general campaign, when Mr. Edmonds was the chairman of the State central committee, with reference to sending money by the State central committee to Mr. Reynolds, then a candidate for the assembly, in the general election?

Mr. OVERBECK. Yes.

Mr. LITTLEFIELD. State, briefly, your recollection about that.

Mr. OVERBECK. My recollection is that Mr. Edmonds received a communication from the chairman of the county committee of the county of Door, in which county Mr. Reynolds was a candidate, requesting a contribution to the county committee; and as I was conversant with all the affairs up there, having been a resident in that county, Mr. Edmonds inquired of me what I thought about it. I stated to him that instead of sending it to the chairman of the county committee, as we were not interested in electing the county ticket, he had better send it direct to Mr. Reynolds. I should say that he stated in this communication, as I remember it, that Mr. Reynolds had serious opposition, and that they needed help in his election.

Mr. LITTLEFIELD. Were you assisting Mr. Edmonds in that campaign throughout the State generally?

Mr. OVERBECK. Yes.

Mr. LITTLEFIELD. And were you familiar with the details of the campaign?

Mr. OVERBECK. To a certain extent; yes, sir.

Mr. LITTLEFIELD. Do you know of the fact that Mr. Edmonds sent out the circular letter to the candidates for the assembly and senate for the purpose of ascertaining whether they needed assistance?

Mr. OVERBECK. I knew of the fact. I did not read the letter.

Mr. LITTLEFIELD. Do you know what occurred in connection with the letter and the responses received?

Mr. OVERBECK. I know he received a great many responses.

Mr. LITTLEFIELD. Do you know to about how many men he sent aid which was the result of that correspondence?

Mr. OVERBECK. I do not.

Mr. LITTLEFIELD. Do you know of his sending out some?

Mr. OVERBECK. Yes.

Mr. LITTLEFIELD. About how many?

Mr. OVERBECK. I could not state. The only two that I remember distinctly were this remittance to Mr. Reynolds and a smaller sum to a candidate in Kewaunee County.

Mr. LITTLEFIELD. Did you arrange a pair between Assemblymen Ramsey and Fenelon through Mr. Reed?

Mr. OVERBECK. Yes.

Mr. LITTLEFIELD. State briefly what you did in relation thereto, not going into any elaborate details.

Mr. OVERBECK. I called up Mr. Reed on the morning of March 4, and asked him to see Mr. Fenelon, and try to arrange a pair, or to have Mr. Fenelon telegraph Mr. Ramsey and ask him to pair with Mr. Fenelon. Some time later, I do not remember just what time it was, I called him up to ascertain whether that telegram had been sent to Mr. Ramsey. He informed me that it had been.

Mr. LITTLEFIELD. Were you in attendance upon the legislature during the whole period of the contest as the result of which Senator Stephenson was elected?

Mr. OVERBECK. I think I was; yes, sir.

Mr. LITTLEFIELD. Do you remember when Mr. Edmonds left Madison? Do you remember whether it was before or after 1909?

Mr. OVERBECK. Some time before.

Mr. LITTLEFIELD. How long before?

Mr. OVERBECK. That I can not say.

Mr. LITTLEFIELD. About how long?

Mr. OVERBECK. I should say it was two or three weeks.

Mr. LITTLEFIELD. Who had charge of Senator Stephenson's interests when Mr. Edmonds was at Madison, during that session of the legislature?

Mr. OVERBECK. Mr. Edmonds left me in charge.

Mr. LITTLEFIELD. Who had charge when Mr. Edmonds was there?

Mr. OVERBECK. Mr. Edmonds had.

Mr. LITTLEFIELD. Who had charge when Mr. Edmonds left Madison?

Mr. OVERBECK. He left the matter in my charge then.

Mr. LITTLEFIELD. Do you know where Mr. Edmonds went?

Mr. OVERBECK. I think he went to Washington on some tariff matters.

Mr. LITTLEFIELD. Did you hear Mr. Edmonds's statement upon the witness stand in relation to his disbursements as made by him?

Mr. OVERBECK. I did not.

Mr. LITTLEFIELD. Did Mr. Edmonds furnish you with some funds during that time?

Mr. OVERBECK. Yes.

Mr. LITTLEFIELD. State how much.

Mr. OVERBECK. I disbursed \$513, I think. It may be a few cents over that amount.

Mr. LITTLEFIELD. Did you receive anything in addition to that?

Mr. OVERBECK. For disbursements there?

Mr. LITTLEFIELD. No; did you receive any money in addition to the \$513?

Mr. OVERBECK. After the campaign was over, some time about the middle of March, I went up to Appleton, and in making my settlement he said, "Now, you have spent—"

Senator POMERENE. Who said that?

Mr. OVERBECK. Mr. Edmonds. He said, "You have spent considerable time there, and you are entitled to something by way of compensation;" and he gave me a check for \$300 as compensation.

Mr. LITTLEFIELD. So that you disbursed \$513, and received \$300 for your services?

Mr. OVERBECK. Yes.

Mr. LITTLEFIELD. For what purpose did you disburse that \$513?

Mr. OVERBECK. I paid D. H. Davies, whom Mr. Edmonds had employed, \$145; and I paid money to a man named Young, who came from Milwaukee just about the time Mr. Edmonds left. I paid his expenses for two or three days, and they amounted to \$18. The other disbursements were entirely for hotel bills and room rent and incidentals and railroad fare and telegraph and telephone. As near as I could divide that up, I paid out \$35 for railroad fare, and about \$125 for hotel bills and meals and incidentals, and \$190 for telegraphing and telephoning. I think that accounts for the \$513.

Mr. LITTLEFIELD. Was any sum of money paid by you during that contest to any member of the assembly or the senate for the purpose of influencing the vote of any such member in the interest of Senator Stephenson?

Mr. OVERBECK. No, sir.

Mr. LITTLEFIELD. Was any money paid by anyone, to your knowledge, for the purpose of influencing any vote in the joint convention in the interest of Senator Stephenson?

Mr. OVERBECK. No, sir.

Mr. LITTLEFIELD. Was any agreement of any kind made to pay, either directly or indirectly, any money to any member of the joint convention for the purpose of influencing his vote in favor of Senator Stephenson?

Mr. OVERBECK. There was not.

Mr. LITTLEFIELD. Was any promise or agreement of any kind made to or for the benefit of any member of the assembly or the senate for the purpose of influencing his vote in the interest of Senator Stephenson in that election?

Mr. OVERBECK. No, sir.

Mr. LITTLEFIELD. Was any political promise made by you or by anyone, to your knowledge, to any member of the assembly or the senate as a consideration for or for the purpose of influencing any vote in the interest of Senator Stephenson?

Mr. OVERBECK. No, sir.

Mr. LITTLEFIELD. Was any political promise of any kind made for any purpose by you, or by anyone to your knowledge, to or for or in connection with any member of the assembly or the senate in connection with that election?

Mr. OVERBECK. No, sir.

Mr. LITTLEFIELD. Was any consideration of any kind, so far as you know, paid to the three Democratic members who absented themselves on the 4th day of March?

Mr. OVERBECK. No, sir.

Mr. LITTLEFIELD. Was any promise or agreement of any kind made to them, or for them, or in their interest, either directly or indirectly, so far as you know, to procure their absence from the joint convention on that date?

Mr. OVERBECK. No.

Mr. LITTLEFIELD. Were you a witness before the senate committee that investigated the election of Senator Stephenson?

Mr. OVERBECK. I was.

Mr. LITTLEFIELD. And were you interrogated fully in relation to all of these matters?

Mr. OVERBECK. I think I was; yes, sir.

Mr. LITTLEFIELD. That is, as to your disbursements?

Mr. OVERBECK. Yes.

Mr. LITTLEFIELD. That is all.

Senator POMERENE. After the general assembly convened did you render any account directly to Senator Stephenson for services or for expenditures made during the session in his behalf?

Mr. OVERBECK. Directly to Senator Stephenson?

Senator POMERENE. Yes.

Mr. OVERBECK. No, sir.

Senator POMERENE. Did he pay you any money directly?

Mr. OVERBECK. No, sir.

Senator POMERENE. The money that you received, both by way of compensation and by way of expense, was received from Mr. Edmonds?

Mr. OVERBECK. It was.

SENATOR POMERENE. All of it?

Mr. OVERBECK. All of it.

Senator POMERENE. And none was received from anyone else?

Mr. OVERBECK. No, sir.

Senator POMERENE. What amount of money had you received during the primary campaign?

Mr. OVERBECK. \$771.

Senator POMERENE. From whom?

Mr. OVERBECK. I received \$671 from Mr. Edmonds, and \$100 came to me in the shape of a cashier's check after the primary was over.

Senator POMERENE. How did you disburse that?

Mr. OVERBECK. Do you want me to go over this?

Senator POMERENE. Yes; if you can.

Mr. OVERBECK. I paid——

Mr. LITTLEFIELD. Have you gone over that fully before?

Mr. OVERBECK. Oh, yes.

Senator POMERENE. I know he did in the hearings before the joint committee.

Mr. OVERBECK. No; I did here.

Mr. LITTLEFIELD. You testified to these things fully here before this committee, too, did you?

Mr. OVERBECK. Yes.

Mr. LITTLEFIELD. I have no objection to his going over it again, if desired.

Mr. BLACK. You will find it in volume 10, at page 275.

Senator POMERENE. I do not care to go over it again. I had for the moment forgotten that.

Mr. BLACK. He gives a list of the parties to whom he paid money.

Senator POMERENE. That is my memory about it now, too, since you speak of it.

The CHAIRMAN. Just a moment: How much money did you receive from Senator Stephenson in addition to that you received from Mr. Edmonds?

Mr. OVERBECK. How much did I receive from Senator Stephenson?

The CHAIRMAN. Yes.

Mr. OVERBECK. I received no money from Senator Stephenson.

The CHAIRMAN. Did you receive money from anybody else than Mr. Edmonds on account of the Stephenson campaign?

Mr. OVERBECK. No, sir.

The CHAIRMAN. That is all.

Mr. LITTLEFIELD. That is all, Mr. Overbeck.

Mr. OVERBECK. Am I excused from further attendance?

The CHAIRMAN. Yes; so far as the committee is concerned.

DISPOSITION OF PAPERS.

Mr. LITTLEFIELD. The chairman suggested yesterday, I think, that he would indicate the disposition the committee would make of the trunk. I am nearly through, and I shall be obliged if the chairman will be kind enough to do that now.

The CHAIRMAN. Yes; we are prepared to do that now.

The contents of the trunk that was brought before the committee from the office of Cary, Upham & Black, attorneys for Senator Stephenson, are classified as follows:

1. Directory of Stevens Point and county of Portage, 1908.
2. Boone's directory of Outagamie County, 1908.
3. Wisconsin State Gazetteer, 1907-8.
4. Card index of Republican voters in several counties for 1906-1908, in three bundles.
5. Registration lists of various wards in the city of Eau Claire.
6. Sample ballots in various counties, together with various letters from E. A. Edmonds to various county clerks, asking for the names of persons who filed nomination papers for members of the assembly.
7. Box containing poll lists of various counties, generally in type-written form, though some are printed and written with pen; also newspaper lists, printed.
8. Nomination papers of Isaac Stephenson.
9. Box of letters from E. A. Edmonds to various persons regarding the circulation of nomination papers, canvass being made, and reports in general as to the political situation in various counties.
10. The same as 9; that is, there are two bundles of that same class.
- 11-15, inclusive. General correspondence regarding the political situation in various counties.
16. Letters transmitting money to various workers.
17. Letters requesting funds to which no reply was made, or request refused.

The box contents are thus enumerated, and they are so put together as to correspond with this list, and numbered.

The committee will retain only Nos. 9, 10, 11, 12, 13, 14, 15, 16, and 17. The others are not considered by the committee of a character that would justify taking them to Washington.

Mr. LITTLEFIELD. Will the chairman check them there, so that I can take that list?

The CHAIRMAN. I am making the statement in the record, so that if you will read the record you will always know it. I will give you a copy of the list.

Mr. LITTLEFIELD. Give me that right now, please.

The CHAIRMAN. I have not time to make it now.

Mr. LITTLEFIELD. No, no; what I want is to make an examination of it.

The CHAIRMAN. Of what?

Mr. LITTLEFIELD. I want to show some of the additional contents.

The CHAIRMAN. We are not going to take any additional contents. We are going to return them or leave them here with the office of Cary, Upham & Black. Everything that is not enumerated to be taken to Washington will be returned to the attorneys from whose possession it came. The committee is advised that the trunk is claimed by some person. That will not be taken to Washington, either. But these others will be in the custody of the committee, and can be examined at leisure after they are in Washington. Counsel doubtless will be there, and the committee desires to return there at as early a date as is convenient.

Mr. LITTLEFIELD. I will say here, as to that, that we are going to ask Mr. Sacket, who will be in Washington, to go through the correspondence for us, if it is agreeable to the committee. I can not spend the time myself.

The CHAIRMAN. I may probably anticipate counsel's idea somewhat. The committee has received, and they will be considered in evidence, the following letters asking for money, under the following dates:

F. W. Andrews, August 14, 1908; Walter Alexander, July 31, 1908; Edward Allard, August 20, 1908; Geo. A. Arnett, August 17, 1908; Jos. Bumber, August 18, 1908; R. Birmingham, August —, —; Henry Boulanger, August 28, 1908; A. T. Brewster, August 7, 1908; C. R. Bassett, August 7, 1908; J. D. Cunningham, August 27, 1908; G. W. Dart, August 24, 1908; August Fontaine, August 24, 1908; J. F. Frost, — —, —; T. F. (?) Reynolds, August 12, 1908; M. J. Flaherty, August 21, 1908; A. Greshamer, August 14, 1908; J. W. Gates, August 22, 1908; G. L. Gross, August 10, 1908; Dr. J. Gronfeldt, August 8, 14, 15, 17, 1908; E. Greverus, August 22, 1908; O. L. Gust, August 6, 1908; S. A. Holdridge, August 20, 1908; Theo. Henton, August 25, 1908; August Huebner, August 26, 1908; E. J. Hughes, August 5, 1908; G. M. Hill, August 22, 1908; Frank Heidt, July 25, 1908; P. B. Haber, August 26, 1908; J. W. Howey, August 31, 1908; H. L. Klevenow, August 19, 1908; J. J. Koepse, August 19, 1908; Anthony Premo, August 10, 1908; I. A. Levy, August 22, 1908; John Lefevre, August 21, 1908; Frank B. Lamoreux, August 29, 1908; Levi Lane, August 30, 1908; Leo. La Combe, August 19, 1908; Clem. LeFevre, August 18, 1908; E. W. Le Roy, August 12, 1908; Levi Lane, August 22, 1908; James McCorkindale, August 20, 1908; Emery Marsh, —, 25, 1908; Frank Melka, August 11, 1908; John McAuley, August 21, 1908; Niemeyer & Funk, August 8, 1908; N. B. Neelen, July 1, 1908; R. H. Nintzel, July 8, 1908; Geo. A. Pollard, July 20, 1908; Werner Pflughoeft, August 18, 1908; Frank Peplinski, August 26, 1908; S. L. Perry, August 24, 1908; Dr. W. J. Pearce, August 17, 1908; Fred Paulus, August 13, 1908; Geo. Petterson, August 14, 1908; H. L. Peterson, August 24, 1908; J. H. Purcell, August 22, 1908; C. Pollon, August 18, 1908; Werner Pflugardt, August 17, 1908; H. N. Polly, August 25, 1908; M. C. Ring, August 21, 1908; F. H. Hanson, July 31, 1908; Fred Schmidt, August 7, 1908; R. P. Smith, July 17, 1908; A. D. Shambeau, August 21, 1908; E. E. Ryan, August 20, 1908.

Those are letters asking for money.

Mr. LITTLEFIELD. That is under heading 17; I take it, which says "Letters requesting funds to which no reply was made, or request refused."

The CHAIRMAN. The counsel has my memorandum.

Mr. LITTLEFIELD. Yes. I was just reading that.

The CHAIRMAN. I have no copy of it.

Mr. LITTLEFIELD. I just wanted to see what it was. That is what I supposed it was.

The CHAIRMAN. You can keep that one.

Mr. LITTLEFIELD. All right. Then I can see just where we are. I should like to inquire of the chairman whether paragraphs 9, 10, 11, 12, 13, 14, 15, 16, and 17 include all of the correspondence, or is there correspondence other than that mentioned in those paragraphs?

The CHAIRMAN. There is the correspondence which I have in my hand, which is the roll of letters received from Mr. Black, and which I will designate as No. 18. It has been catalogued and indexed, and is before the committee, and will now be introduced into the record as the papers received from Mr. Black on yesterday.

Mr. LITTLEFIELD. But my inquiry was whether paragraphs 9, 10, 11, 12, 13, 14, 15, 16, and 17 are tabulations of the total correspondence in the trunk, and include all?

The CHAIRMAN. Of that class; yes.

Mr. LITTLEFIELD. Is there any class outside of that? As I understand it, the committee intend to take——

The CHAIRMAN. Let me make this definite. This is a schedule of the entire contents of the trunk, and it will speak for itself. The things are described. There is nothing in that trunk, or was nothing in it, that is not in this list.

Mr. LITTLEFIELD. Then there is no correspondence outside of paragraphs 9 to 17, inclusive?

The CHAIRMAN. That is a matter for inspection.

LETTERS TURNED OVER BY MR. BLACK TO COMMITTEE.

The CHAIRMAN. The committee will now incorporate into the record a list of the letters turned over to the committee by W. E. Black. It may be designated as the roll of letters that had been taken by Mr. Black from the bulk of correspondence on some previous occasion.

Mr. BLACK. No, Mr. Chairman.

Mr. LITTLEFIELD. Taken by Mr. Russell.

The CHAIRMAN. Whoever they were taken by, is not material. They were presented here by Mr. Black.

Mr. BLACK. That is true.

The CHAIRMAN. And he so states. It is only a question of identification, no matter who took them.

Mr. BLACK. The only reason I took exception to that statement, Mr. Chairman, was that I have made the statement that I did not pick out any correspondence from this trunk.

The CHAIRMAN. I am making no statement to the contrary. I am identifying a roll of letters which were handed by the counsel yesterday to the committee. There is only one roll.

Mr. BLACK. I thought the chairman was under the impression that I had taken the letters contained in this roll from the body of correspondence that was later put in the trunk.

The CHAIRMAN. They had been taken by some one from the body of the correspondence. It was so testified here.

Mr. BLACK. No; you will see from the date of that correspondence, I think, that it is practically all subsequent. Mr. Russell testified to having brought that correspondence down from Wells.

The CHAIRMAN. It is dated all along through July and September and October.

Mr. LITTLEFIELD. Yes.

The CHAIRMAN. This correspondence will be treated separately. It is under separate cover, and is catalogued in the order that it will be found in the package. Counsel are doubtless familiar with this schedule of letters. We will furnish counsel at the proper time a copy of this schedule. The reporter may copy it into the record and return it to me.

(The schedule referred to is as follows:)

List of letters turned over by W. E. Black to the committee.

Date.	From—	To—
Oct. 26, 1908.....	Bloom, A. J., Abrams, Wis.....	Hon. Isaac Stephenson.
July 8, 1908.....	Casson, Henry, Madison, Wis.....	Hon. Isaac Stephenson, Marinette, Wis.
July 16, 1908.....	do.....	Do.
	Circular letter.....	
July, 1908.....	do.....	
July 6, 1908.....	Edmonds, E. A., Appleton, Wis.....	Do.
Sept. 29, 1908.....	Edmonds, E. A., Milwaukee, Wis.....	Do.
Sept. 30, 1908.....	do.....	Do.
Dec. 22, 1908.....	Edmonds, E. A., Appleton, Wis.....	Do.
Aug. 1, 1908.....	Frear, Hon. J. A., Madison, Wis.....	Do.
Sept. 30, 1908.....	Flint, Rock, Madison, Wis.....	Do.
Nov. 12, 1908.....	do.....	Do.
Nov. 6, 1908.....	Foreman, J. W., Richland Center, Wis.....	Do.
Do.....	Groh, G. M., Sheboygan, Wis.....	Do.
Aug. 8, 1908.....	Hoard, W. D., Fort Atkinson, Wis.....	Do.
Nov. 12, 1908.....	Howey, J. W., No. 1410 Weeks Ave., Superior, Wis.....	Do.
Nov. 5, 1908.....	Henning, E. J., Milwaukee, Wis.....	Do.
Nov. 23, 1908.....	Hambright, C. M., Milwaukee, Wis.....	Do.
Sept. 2, 1908.....	Howey, J. W., No. 1410 Weeks Ave., Superior, Wis.....	Do.
Aug. 8, 1908.....	Hines Lumber Co., Chicago, Ill.....	Do.
Dec. 23, 1908.....	Hines, Edw., Chicago, Ill.....	Do.
Aug. 26, 1908.....	Jones, Thos. A., Oshkosh, Wis.....	Do.
Oct. 30, 1908.....	James, N. L., Richland Center, Wis.....	Do.
Oct. 10, 1908.....	do.....	Do.
Oct. 31, 1908.....	do.....	E. A. Edmonds, Milwaukee, Wis.
Sept. 13, 1908.....	Keyes, E. W., Madison, Wis.....	Hon. Isaac Stephenson, Marinette, Wis.
Oct. 2, 1908.....	do.....	Do.
Nov. 4, 1908.....	do.....	Do.
Oct. 25, 1908.....	Lemmer, Mike, Merrill, Wis.....	Do.
Oct. 6, 1908.....	Lewis, Hugh, Madison, Wis.....	Do.
Nov. 8, 1908.....	Lambeck, Arthur, Milwaukee, Wis.....	Do.
Sept. 9, 1908.....	Lambeck, A. H., Milwaukee, Wis.....	S. L. Perry, Madison, Wis.
Oct. 31, 1908.....	Miller, John W., Wausau, Wis.....	Hon. Isaac Stephenson, Marinette, Wis.
Sept. 11, 1908.....	Morgan, H. H., Madison, Wis.....	Do.
June 9, 1908.....	Myrick, H. P. (?), Milwaukee, Wis.....	Do.
June 12, 1908.....	Myrick, H. P., Milwaukee, Wis.....	Do.
July 7, 1908.....	do.....	Do.
July 31, 1908.....	do.....	Do.
Oct. 13, 1908.....	Peterson, H. L., Sawyer, Wis.....	Do.
Sept. 4, 1908.....	Puehler, Chas., Milwaukee, Wis.....	E. A. Edmonds, Milwaukee, Wis.
Nov. 13, 1908.....	Polly, H. N., Augusta, Wis.....	Hon. Isaac Stephenson, Marinette, Wis.
May 23, 1908.....	Puelicher, J. H., Milwaukee, Wis.....	Do.
June 6, 1908.....	do.....	Do.
Sept. 21, 1908.....	do.....	Do.
Nov. 27, 1908.....	do.....	Do.
Dec. 15, 1908.....	do.....	Do.
Sept. 8, 1908.....	Reynolds, Thos., Jacksonport, Wis.....	Do.
Oct. 20, 1908.....	do.....	Do.
Oct. 23, 1908.....	Scherbel, Rev. E. F., Middleton, Wis.....	Do.
Nov. 4, 1908.....	do.....	Do.
Nov. 17, 1908.....	do.....	Do.
Oct. 14, 1908.....	Seely, D. F., Highlands, Wis.....	Hon. Isaac Stephenson, Marinette, Wis.
Oct. 12, 1908.....	Simmons, Z. G., Kenosha, Wis.....	Do.
Sept. 20, 1908.....	Shields, R. J., Superior, Wis.....	Do.
Nov. 14, 1908.....	do.....	Do.
July 7, 1908.....	Sackett, Rodney, Milwaukee, Wis.....	Do.

List of letters turned over by W. E. Black to the committee—Continued.

Date.	From—	To—
July 27, 1908.....	Sackett, Rodney, Milwaukee, Wis....	Hon. Isaac Stephenson, Marinette, Wis.
Sept. 26, 1908.....	Sackett, Rodney, Berlin, Wis.....	Do.
Nov. 2, 1908.....	do.	Do.
Nov. 3, 1908.....	Sackett, Rodney, Washington, D. C..	Do.
Nov. 7, 1908.....	Tull, Al L., Madison, Wis.....	Do.
Nov. 8, 1908.....	Townsend, C. E. C., Shulsburg, Wis..	Do.
Oct. 12, 1908.....	do.	Do.
Sept. 28, 1908.....	Torrey, Mrs. J. P., Kenosha, Wis.....	Do.
Nov. 27, 1908.....	Torrey, P. C., Kenosha, Wis.....	Do.
Sept. 2, 1908.....	Upham, H. A. J., Milwaukee, Wis....	Do.
Sept. 23, 1908.....	do.	Do.
Nov. 6, 1908.....	do.	Do.
Oct. 15, 1908.....	Vail, Frank L., Madison, Wis.....	Do.
Nov. 4, 1908.....	Winter, Frank, La Crosse, Wis.....	Do.
Nov. 20, 1908.....	Whiting, F. H., Sherry, Wis.....	Do.
Oct. 26, 1908.....	Warner, C. H., Appleton, Wis.....	Do.

LETTERS TRANSMITTING MONEY TO WORKERS, ETC.

The CHAIRMAN. The committee will now present for the record item No. 16, which consists of letters transmitting money to various workers. In every case where it is possible the letter and the answer are attached one to the other. The items from 11 to 15, inclusive, involve work of tabulation and indexing which is yet unfinished. They will be introduced into the record by the committee—if not at this meeting, at another meeting.

Mr. LITTLEFIELD. Do we understand that these letters all become a part of the record?

The CHAIRMAN. Yes; all of them.

Mr. LITTLEFIELD. And will be printed?

The CHAIRMAN. It is a matter for the committee to determine whether they will be printed. They will become a part of the record.

Mr. LITTLEFIELD. Will the committee determine later what portion they will print?

The CHAIRMAN. Yes. Probably the whole committee will determine that. Quite a lot of these will not be printed by the sub-committee.

Mr. LITTLEFIELD. All that I desire is this: I should like to know what portion of the correspondence I may expect to meet in the final record, so as to know whether I have any occasion to comment on it or not, and also whether I have any occasion to introduce any testimony in relation to it.

The CHAIRMAN. If the counsel should find at a subsequent period that he has occasion to introduce testimony in regard to these letters, an opportunity may be given, as the committee may direct at the time of the application.

Mr. LITTLEFIELD. Of course the chairman understands that neither Brother Black nor myself has read a single letter that was inclosed in the trunk.

Mr. BLACK. I do not want to say "not a single letter." As I have testified, I have made a cursory examination of them.

Mr. LITTLEFIELD. I have not read one of them; and in the absence of having done that, of course the chairman can appreciate that we can not now state just what we may have to do. I do not know that we shall wish to do anything.

I should like to say this as to the letters referred to in paragraph 16 (letters transmitting money to various workers) and the letters

referred to in paragraph 17 (letters requesting funds, to which no reply was made or request refused): As to those two heads, or those two bundles, if Mr. Smith, or somebody representing the committee, after we get through—and I do not see any reason why we should not be through here early this afternoon—could meet Brother Black and myself at the office of Cary, Upham & Black, or here, if he desires—anywhere that he says—I should like to put in the balance of the time this afternoon and the time this evening going over these. It will save me, perhaps, a trip to Washington for that purpose if we are able to get through with them. Brother Black and myself and the help in the office may be able to make such examination of those two bundles as would save my making a trip to Washington for that purpose; and it would be a matter of personal convenience if the committee feels it is proper to give us that opportunity here this afternoon and this evening. I suppose there is no objection to that?

The CHAIRMAN. No. They are accessible to counsel, and have been at any time that they desired them.

Mr. LITTLEFIELD. Yes; I so understand.

The CHAIRMAN. The work of arranging and tabulating these letters was no small undertaking and has occupied a good many hours of clerical work. The work is not yet completed as to certain ones on hand.

Mr. LITTLEFIELD. Yes; I so understand.

The CHAIRMAN. I will say, informally, that the committee will have a meeting in Washington after it has made itself more familiar with the exhibits, and matters of that kind that can not be satisfactorily examined here, and counsel doubtless will be summoned to appear there.

Mr. LITTLEFIELD. I should be very glad, of course, to have a conference with the committee over that subject.

The CHAIRMAN. The committee's home is in Washington. It is not here. The committee is here now for the convenience of the occasion.

Mr. LITTLEFIELD. Certainly.

The CHAIRMAN. Whatever work can be taken to Washington to be finished there will be so taken. The committee desires merely that the record here shall show that these papers are to be a part of the record. The committee will go through these letters and determine which of them, if any, will throw light upon this question; and it will doubtless eliminate as much as possible, at least of this class of testimony, because it does not desire to make the record unnecessarily voluminous.

Mr. LITTLEFIELD. Yes.

The CHAIRMAN. The same will be true of several classes of testimony that have been introduced here indirectly. It will be gone through by the committee and reduced down to whatever seems to be the proper limit.

Mr. LITTLEFIELD. As I understand, the committee will give us an opportunity to confer with them in relation to that.

The CHAIRMAN. Counsel will be given an opportunity to discuss this case orally and to file briefs, and will have the fullest opportunity to make use of any of the testimony, either as to whether it is proper to be considered, or as to the effect of its consideration.

Mr. LITTLEFIELD. Yes, Mr. Chairman.

The CHAIRMAN. So there need be no disposition to think that because we adjourn here to-day that will end the opportunity.

Mr. LITTLEFIELD. Oh, no. Of course, I so understand that. My only point in relation to this matter was that we might save some time, if we got through this afternoon, by adopting the course I suggested.

The CHAIRMAN. The committee desires to gather up all it has accumulated here and take it to the home of the committee in the city of Washington for further treatment. We will take only so much time here to-day as is necessary for the oral examination of witnesses. We can not take them with us without inconvenience. But we can take all of this matter there; and while every facility will be given counsel to examine it, it had better be done at Washington. It is not organized in such a way that it is probable that it could be taken up here in the hours that remain to-day without disorganization. The committee intends to complete in a more elaborate form the organization that it has started upon. There is numbering to be done, there is marking to be done, and reference; and the committee would prefer that it continue that work uninterruptedly, and then make it all available to counsel. I think it is not a good suggestion to take it up here and pass it over for work at this time. It will be just as convenient for counsel to do it when we have fully organized it.

I think that it is a reasonable suggestion, because of the fact that the committee is within a few hours of adjourning. It has labored industriously to complete the examination of witnesses. We came here to examine witnesses.

Mr. LITTLEFIELD. Then I understand the committee feels that we had better postpone our examination of items 16 and 17 until we get to Washington?

The CHAIRMAN. Of all of them; yes. There can be no good purpose accomplished here by doing it before that time, unless the committee were inclined to wait until after you had summoned witnesses that you might wish to summon.

Mr. LITTLEFIELD. I did not contemplate summoning any witnesses; but I thought Mr. Black and myself might save some time, in the interest of Senator Stephenson, if we could put in the last part of the afternoon and all of the evening in doing that work.

The CHAIRMAN. The committee would prefer to complete the work. A plan has been laid out. Have you any other witnesses that you desire to call?

Mr. LITTLEFIELD. I have some more inquiries that I desire to make about the trunk. These papers and letters when they came here were inclosed in pasteboard files; and I want to find out how many files there were when they came.

The CHAIRMAN. I will ask the secretary of the committee how many pasteboard files of letters there are.

The SECRETARY. Five.

Mr. LITTLEFIELD. Five pasteboard files?

The SECRETARY. Yes; regular alphabetical letter files.

Mr. LITTLEFIELD. Are those all of the files that there were?

The SECRETARY. Yes.

Mr. LITTLEFIELD. I had the impression that there were seven or eight.

The CHAIRMAN. They are all enumerated here in this list. Will counsel advise the committee to what his questions are directed?

Mr. LITTLEFIELD. This question is directed to ascertaining how many pasteboard files that were full of letters were in the trunk when it came here. I personally know that there were quite a number. I did not count them. I saw them in the trunk in Mr. Black's office.

The CHAIRMAN. They are all tabulated.

Mr. LITTLEFIELD. I think the pasteboard files are not tabulated.

The CHAIRMAN. Yes, they are. No further time will be occupied over the box. The contents will be taken to Washington, and then further inquiry will be made.

Mr. LITTLEFIELD. In the first place, I should like the privilege of seeing the trunk myself, if I may have that privilege. I ask that privilege. I want to inquire how many pasteboard letter files there were in the trunk that was full of letters when it came here from the office of Cary, Upham & Black.

The CHAIRMAN. The committee will report upon that.

Mr. LITTLEFIELD. And I desire the privilege of inquiring about that.

The CHAIRMAN. Of whom?

Mr. LITTLEFIELD. Of whoever has made this tabulation.

The CHAIRMAN. There will be no such inquiry indulged in at this time. The committee will report on the things that it received. There is no one else except Mr. Black who can give you any information.

Mr. BLACK. I can not give him any information about that.

The CHAIRMAN. You will have it in the committee's report.

Mr. LITTLEFIELD. May I have the privilege of personally inspecting this trunk and its contents?

The CHAIRMAN. Just proceed with your witnesses.

Mr. LITTLEFIELD. May I have that privilege?

The CHAIRMAN. That will be determined by the committee.

Mr. LITTLEFIELD. I should like to have that privilege.

The CHAIRMAN. Does counsel desire to proceed with the examination of any more witnesses in this case?

Mr. LITTLEFIELD. Yes.

The CHAIRMAN. Then I suggest that counsel proceed.

Mr. LITTLEFIELD. But I ask the privilege of examining this trunk before I proceed. Do I understand that I am ordered to proceed with the examination of the witnesses?

The CHAIRMAN. You are.

Mr. LITTLEFIELD. Very well. I will call Senator Stephenson to the stand.

TESTIMONY OF ISAAC STEPHENSON—Resumed.

Mr. LITTLEFIELD. Will you be kind enough to state to the committee what you remember in relation to any instruction that you may have given with reference to the poll lists that were used by Mr. Edmonds and the committee in connection with your primary campaign?

Senator STEPHENSON. I called up Mr. Lambeck, I think, on the telephone and told him to ship them to Marinette.

Mr. LITTLEFIELD. Do you know whether or not they were shipped to Marinette?

Senator STEPHENSON. I do not.

Mr. LITTLEFIELD. Did you ever see the box, if they were sent in a box, in which they were sent to Marinette?

Senator STEPHENSON. No, sir.

Mr. LITTLEFIELD. Did you ever see any correspondence that was contained in the box?

Senator STEPHENSON. No, sir.

Mr. LITTLEFIELD. Did you have any knowledge of the contents of the box or its reception at Marquette or any disposition of it until you saw the trunk in which the contents were brought in here at this hearing?

Senator STEPHENSON. No, sir.

Mr. LITTLEFIELD. Did you ever have any knowledge of the movement of the box or its contents between Escanaba and Marinette or Wells, Mich.?

Senator STEPHENSON. No, sir.

Mr. LITTLEFIELD. When did you first learn of that?

Senator STEPHENSON. After I came here—after the box came here.

Senator POMERENE. During this hearing?

Senator STEPHENSON. Yes. That is the first I ever knew about it.

Mr. LITTLEFIELD. There has been some evidence in the case in relation to efforts to get Mr. Stevens's bank at Lancaster made a depository of State funds. Did you ever know anything about that?

Senator STEPHENSON. No, sir; never.

Mr. LITTLEFIELD. Did you ever take any part in getting it made a State depository?

Senator STEPHENSON. No, sir.

Mr. LITTLEFIELD. Was your attention ever called to the fact that there ever was any understanding of any kind that there should be such an arrangement made?

Senator STEPHENSON. No, sir.

Mr. LITTLEFIELD. Were you in any way solicited to take any part in getting that bank made a State depository?

Senator STEPHENSON. Not that I know of.

Mr. LITTLEFIELD. Did Mr. Edmonds or anyone acting in your interest ever say anything to you in relation to that matter?

Senator STEPHENSON. No, sir.

Mr. LITTLEFIELD. Did you have any knowledge of it until it was disclosed in the investigation?

Senator STEPHENSON. No, sir.

Mr. LITTLEFIELD. You contributed \$2,000 to the State central committee for the general campaign fund?

Senator STEPHENSON. I think so; yes, sir.

Mr. LITTLEFIELD. Was there any understanding or agreement of any kind between yourself and Mr. Edmonds or anyone connected with the State central committee that any part of the sum contributed by you should be used in your personal interest in any way?

Senator STEPHENSON. No, sir.

Mr. LITTLEFIELD. Was there any understanding or agreement between yourself and Mr. Edmonds or anyone else connected with the State central committee that any of the funds of the State central

committee should be used in your personal interest in connection with the State central committee?

Senator STEPHENSON. No, sir; absolutely not.

Mr. LITTLEFIELD. Was there any understanding between yourself and Mr. Edmonds that any of the acts of the State central committee should be performed in your personal interest as a candidate for Senator in that campaign?

Senator STEPHENSON. No, sir.

Mr. LITTLEFIELD. Or that anything should be done by the committee in your interest, personally?

Senator STEPHENSON. No, sir.

Mr. LITTLEFIELD. Or as a candidate for the United States Senate?

Senator STEPHENSON. No, sir.

Mr. LITTLEFIELD. Did you make any political promise or agreement of any kind in connection with your primary campaign?

Senator STEPHENSON. No, sir.

Mr. LITTLEFIELD. Did you authorize any of your managers or representatives to make for you or in your behalf any political promise or agreement of any kind in consideration of any support that you might receive in that campaign?

Senator STEPHENSON. Not any.

Mr. LITTLEFIELD. Did you authorize any of your managers or representatives to make any political promises or agreements for any consideration or for any purpose during that campaign?

Senator STEPHENSON. Not any.

Mr. LITTLEFIELD. Did you know anything about the contribution of \$100 by the State central committee to Thomas Reynolds during the general campaign, after the primary?

Senator STEPHENSON. No, sir.

Mr. LITTLEFIELD. Did you in any way suggest to the State central committee or advise them to make any contribution to Mr. Reynolds?

Senator STEPHENSON. No, sir.

Mr. LITTLEFIELD. Did you at any time during the general campaign make any contribution to any candidates for the assembly or the senate?

Senator STEPHENSON. No, sir.

Mr. LITTLEFIELD. For the purpose of aiding them in their election, or for any other purpose?

Senator STEPHENSON. No, sir.

Mr. LITTLEFIELD. Did you authorize anybody acting for you to make any contribution to any candidates for the assembly or for the senate in the election of 1908, for any purpose, to aid them in any way in their campaigns, either directly or indirectly?

Senator STEPHENSON. No, sir.

Mr. LITTLEFIELD. Did you make any political promise or agreement of any kind in connection with the election by the legislature of yourself as a Senator in 1909?

Senator STEPHENSON. No, sir.

Mr. LITTLEFIELD. Did you authorize any person representing you, a member or otherwise, to make any political promise or agreement of any kind to any member of the legislature in connection with your election as a United States Senator?

Senator STEPHENSON. No, sir.

Mr. LITTLEFIELD. Was any political promise or agreement, so far as you know, made by any of your representatives to any member of the legislature in connection with your election as a United States Senator?

Senator STEPHENSON. No, sir.

Mr. LITTLEFIELD. Was any political promise made, so far as you know, by any manager or representative of yours in the primary election for the purpose of aiding your nomination in the primary election?

Senator STEPHENSON. Not to my knowledge.

Mr. LITTLEFIELD. Do you know a man named Frank Vandersee?

Senator STEPHENSON. No; I do not remember any such man.

Mr. LITTLEFIELD. Did you ever authorize him to make any negotiations or agreements or promise in your interest, in connection with Mr. Pestalozzi, or any other person?

Senator STEPHENSON. No, sir; nor anybody else. I made no promises to anybody.

Mr. LITTLEFIELD. You have heard the testimony of Gov. Morris and the testimony of Senator Husting?

Senator STEPHENSON. Yes.

Mr. LITTLEFIELD. I will ask you, first, whether or not you have any acquaintance with Robert J. Shields?

Senator STEPHENSON. No, sir; not that I know of.

Mr. LITTLEFIELD. Do you remember to have ever seen him before he testified here as a witness upon the stand?

Senator STEPHENSON. No, sir. He said he had seen me about five years ago when I had an ulcer of the eye, but I did not know it.

Mr. LITTLEFIELD. What was your condition then with reference to being able to see? Were you confined to the house?

Senator STEPHENSON. Yes, sir.

Mr. LITTLEFIELD. Were your eyes bandaged?

Senator STEPHENSON. Yes, sir.

Mr. LITTLEFIELD. During how long a time?

Senator STEPHENSON. About three or four weeks.

Mr. LITTLEFIELD. Was the disease from which you were then suffering of a character that required your eyes to be almost continually bandaged?

Senator STEPHENSON. Yes, sir.

Mr. LITTLEFIELD. Mr. Shields says that he saw you at some time while you were suffering from some trouble with your eyes. Do you remember whether or not you saw him at that time?

Senator STEPHENSON. No, sir.

Mr. LITTLEFIELD. How long ago was that?

Senator STEPHENSON. I think five years ago this fall.

Mr. LITTLEFIELD. I suppose it is not necessary to ask the question; but in order to eliminate any possible question, I will ask you if you ever had any conversation of any kind with Mr. Shields in relation to your election to the United States Senate?

Senator STEPHENSON. Never.

Mr. LITTLEFIELD. Do you remember any conversation with him of any kind, in relation to any subject?

Senator STEPHENSON. No, sir; never.

Mr. LITTLEFIELD. You know Edward Hines, I take it?

Senator STEPHENSON. Yes, sir.

MR. LITTLEFIELD. How long have you known him?

Senator STEPHENSON. About 15 years, I guess. I have been selling him lumber for 10' or 12 years; and I have sold him probably about ten or twelve million dollars' worth of lumber in that time.

MR. LITTLEFIELD. That is, during those 15 years?

Senator STEPHENSON. Yes.

MR. LITTLEFIELD. So that you have been well acquainted with Mr. Hines during that period?

Senator STEPHENSON. Yes, sir.

MR. LITTLEFIELD. And these dealings were dealings in lumber and timber?

Senator STEPHENSON. Yes.

MR. LITTLEFIELD. Were they between yourself and Mr. Hines personally, or between yourself and companies in which Mr. Hines was interested?

Senator STEPHENSON. Between Mr. Hines's companies and the companies that I represent.

MR. LITTLEFIELD. Are you individually in the lumber and timber business?

Senator STEPHENSON. I have been for some 71 years, and I am still in that business.

MR. LITTLEFIELD. Are you now personally engaged in it, or are you engaged in it through the medium of various corporations?

Senator STEPHENSON. Through corporations of which I am the head.

MR. LITTLEFIELD. So that the substance of the business you are now doing in connection with the manufacture of lumber is done by corporations of which you are the head?

Senator STEPHENSON. Yes.

MR. LITTLEFIELD. And in many of which you are the largest stockholder?

Senator STEPHENSON. Yes.

MR. LITTLEFIELD. And the controlling stockholder?

Senator STEPHENSON. Yes.

MR. LITTLEFIELD. I will not ask you to go into the details about those corporations. Did Mr. Hines have any conversation with you in connection with your election to the United States Senate by the Legislature of Wisconsin?

Senator STEPHENSON. No, sir; never.

MR. LITTLEFIELD. Did he ever make any proposition to you by virtue of which you were to contribute toward any sum to be used for corruptly influencing the legislature?

Senator STEPHENSON. No, sir.

MR. LITTLEFIELD. Did he ever discuss with you the question of the use of money in any way, either directly or indirectly, in connection with your election to the United States Senate by the Legislature of Wisconsin?

Senator STEPHENSON. Never.

MR. LITTLEFIELD. You have heard the testimony of Mr. Husting?

Senator STEPHENSON. Yes.

MR. LITTLEFIELD. Did Mr. Hines ever make any statement to you that you would be likely to have "trouble"?

Senator STEPHENSON. No, sir.

Mr. LITTLEFIELD. And that the "trouble" could be relieved by the payment of a sum of money?

Senator STEPHENSON. No, sir.

Mr. LITTLEFIELD. And did you finally agree to contribute \$55,000 for that purpose?

Senator STEPHENSON. No, sir.

Mr. LITTLEFIELD. Did Mr. Hines ever have any conversation with you relating to any subject of that character?

Senator STEPHENSON. No, sir.

Mr. LITTLEFIELD. Or ever make any such proposition to you?

Senator STEPHENSON. No, sir.

Mr. LITTLEFIELD. Did Mr. Hines ever discuss with you the probability or the improbability of your election to the United States Senate by the Legislature of Wisconsin?

Senator STEPHENSON. No, sir.

Mr. LITTLEFIELD. Did he ever suggest any money consideration of any kind in any way, either directly or indirectly, in connection with that subject?

Senator STEPHENSON. Not any.

Mr. LITTLEFIELD. Did you ever give to Robert J. Shields a signed check in blank, to be filled in, for use in connection with your election to the United States Senate?

Senator STEPHENSON. No, sir.

Mr. LITTLEFIELD. Or to Mr. Hines?

Senator STEPHENSON. No, sir.

Mr. LITTLEFIELD. Did you ever give a blank signed check to any man?

Senator STEPHENSON. No, sir. I have not got to that point yet.

Senator POMERENE. Have you ever given any blank signed check to your attorneys?

Senator STEPHENSON. Not yet; but I am afraid I may have to if this thing keeps up.

Mr. LITTLEFIELD. Did you ever give to Mr. Hines or Mr. Shields or to any person carte blanche to come here to the State of Wisconsin for the purpose of corruptly influencing the legislature?

Senator STEPHENSON. No, sir.

Mr. LITTLEFIELD. Did you ever give to anyone any sum to be used in connection with procuring the absence of the three Democrats from the legislature on the 4th day of March, 1909?

Senator STEPHENSON. No, sir.

Mr. LITTLEFIELD. Did you know anything about the absence of those Democrats until you afterwards learned it, when you were notified about the election and learned the circumstances of it?

Senator STEPHENSON. I never knew anything about it until I saw it in the newspapers.

Mr. LITTLEFIELD. That was the first intimation of it that you had?

Senator STEPHENSON. Yes, sir.

Mr. LITTLEFIELD. Did you ever authorize anybody, either directly or indirectly, to use any influence with these three Democratic members to procure their absence on that or any other day?

Senator STEPHENSON. No, sir.

Senator POMERENE. Or the absence of any other member of the legislature?

Senator STEPHENSON. No, sir.

Mr. LITTLEFIELD. You may state what your position has been in relation to your election, as to when it occurred.

Senator STEPHENSON. I maintain that my election occurred on the 26th of January.

Mr. LITTLEFIELD. Were you so advised?

Senator STEPHENSON. Yes. I was so advised by telegraph from E. Henning.

Mr. LITTLEFIELD. You were advised by men whom you considered to be competent, and who were the best legal authority, that you were legally elected on the 26th of January?

Senator STEPHENSON. I think at least 20 senators got the statutes and showed me that I was elected.

Senator POMERENE. Let me understand. That was the day on which this ballot was taken in the separate houses?

Mr. LITTLEFIELD. Yes.

Senator POMERENE. And your position is that that vote determined the question?

Senator STEPHENSON. Yes. I think at least 20 Republican senators and six or seven of my Democratic friends also showed me the law, and they did that voluntarily. I did not ask that. Even my colleague from this State thought that I was elected.

Mr. LITTLEFIELD. What was your attitude in 1908-9 with reference to the tariff upon lumber? You may state briefly just what your attitude had been; and if there has been any change in it, give the reason for that change.

Senator STEPHENSON. I had made a public statement that I was in favor of all raw material coming in free. I had made that statement publicly. The panic of 1907 reduced the price of lumber—for instance, of hemlock, and other lumber in proportion—from \$16 a thousand to \$10 a thousand.

Senator POMERENE. The panic of 1907?

Senator STEPHENSON. Yes. Then the managers and proprietors of the mills appealed to me on the question of the tariff. Then, of course, I was for keeping the tariff on lumber, and I had a good deal to do with it in the Senate.

Senator POMERENE. I will ask the reporter to repeat your question to Senator Stephenson.

(The reporter read as follows:)

“Mr. LITTLEFIELD. What was your attitude in 1908-9 with reference to the tariff upon lumber? You may state briefly just what your attitude had been; and if there has been any change in it, give the reason for that change.”

Mr. LITTLEFIELD. I will ask to strike out “1908.” I want it to refer to 1909.

Senator STEPHENSON. I have stated that I was in favor of keeping the tariff on lumber, to help out my brother lumbermen.

Mr. LITTLEFIELD. After the panic of 1907, what was the fact with reference to the profits of the lumber industry?

The CHAIRMAN. I stated the other evening that there was a tariff board investigating that question, and I do not believe it is wise at this time to infringe upon their duties in that respect.

Mr. LITTLEFIELD. The purpose of this testimony is simply to corroborate the statement of Mr. Hines that in 1909 Senator Stephenson was in favor of maintaining the tariff upon lumber.

The CHAIRMAN. Just one moment. The committee will consider itself advised of the position of Senator Stephenson upon that question, having been associated with him in the United States Senate. It is not necessary here to inquire of the witness, under oath, what he believes, or what he did in regard to his public duties in the United States Senate. That is a matter of record.

Mr. LITTLEFIELD. I wanted to show this, so that it will corroborate the statement of Mr. Hines that after the Senator was elected, in 1909, he (Mr. Hines) understood him to be in favor of maintaining the tariff upon lumber. I understand him to state that that was his attitude in that respect.

The CHAIRMAN. I think he always has been. He has always looked like that kind of a Republican. I think we had better keep away from any political question.

Senator STEPHENSON. The chairman knows how we voted on the tariff.

Mr. LITTLEFIELD. Senator Stephenson, you heard the testimony of Mr. Edmonds here on yesterday in relation to the payment to him by you of \$2,400, in the aggregate?

Senator STEPHENSON. Yes, sir.

Mr. LITTLEFIELD. Covering expenses incurred by him at the session of the legislature when you were elected, and some expenses incurred afterwards. You heard his testimony; did you not?

Senator STEPHENSON. Yes, sir.

Mr. LITTLEFIELD. I will not go over that in detail; but I will ask you to state whether or not the narrative of Mr. Edmonds as to the circumstances under which you paid him the \$2,400 is in accordance with your recollection of the facts?

Senator STEPHENSON. It is; yes, sir.

Mr. LITTLEFIELD. I want to ask you whether or not you expended in connection with the legislative election, any sum of money other than that mentioned by Mr. Edmonds, aggregating the sum of \$2,400?

Senator STEPHENSON. Not a cent.

Mr. LITTLEFIELD. Did you pay a dollar to any man, at any time, anywhere, under any circumstances, other than the money that you paid to Mr. Edmonds, as explained by him?

Senator STEPHENSON. No, sir.

Mr. LITTLEFIELD. Did you pay out any money, so far as you have been able to ascertain, in connection with the primary election, other than the aggregate that has been shown here on the record?

Senator STEPHENSON. Not any, to my knowledge.

Mr. LITTLEFIELD. Did you pay out any sum of money during the general election following the primary election, and preceding your election by the legislature, other than the \$2,000 that you contributed to the State central committee?

Senator STEPHENSON. No, sir.

Mr. LITTLEFIELD. I think that is all.

Senator POMERENE. You have said that, as you recall it, you contributed \$2,000 to the State campaign committee.

Senator STEPHENSON. Yes, sir.

Senator POMERENE. During the fall of 1908?

Senator STEPHENSON. Yes, sir.

Senator POMERENE. To whom did you give that?

Senator STEPHENSON. To the State central committee.

Senator POMERENE. Did you give it to Mr. Edmonds?

Senator STEPHENSON. I think so.

Senator POMERENE. Was that given for the general purposes of the campaign or for your special interest?

Senator STEPHENSON. For the general purposes of the campaign.

Senator POMERENE. So, if I understand you correctly, the only benefit you expected to receive from that would be such general benefit as the whole ticket would receive?

Senator STEPHENSON. Yes. I wish to state that that is the smallest contribution I have made for 45 or 50 years.

Senator POMERENE. In a letter which was called to our attention on yesterday by Mr. Edmonds, written to you under date of August 4, he refers to some definite amount that you had in mind for the purpose of your senatorial campaign. What was that amount?

Senator STEPHENSON. I do not recollect. They tried several times to have me state how much I would put up and I would not do that. I was going to pay the cost as it came along.

Senator POMERENE. Did you have in mind any specific amount?

Senator STEPHENSON. No, sir.

Senator POMERENE. Or did you expect to determine that as the question presented itself?

Senator STEPHENSON. That is it.

Senator POMERENE. So that at no time during that campaign had you determined upon any limit?

Senator STEPHENSON. No, sir. I should like to make a statement about the campaign. I think I made it the other day.

Senator POMERENE. Proceed.

Senator STEPHENSON. In that campaign, running through 60 days, there was a lot to do. We have 71 counties in our State, and I was in only 7 of them, and that during the last five days of the campaign. I was in Oshkosh at a home-coming. I was there two or three hours. I came from there to Milwaukee and the next day I went to Kenosha, and so on; and on Saturday, the last day before the primary, I went to St. Paul in order that I might get back to La Crosse. Our engine broke down, and instead of getting there at 12.20 o'clock we did not get there until 4.20. I was there about three hours and then went home. That is all the canvass I made. I want to state this: That if I had gone into the 71 counties, which I should have done, my judgment is that I would have had 75,000 or 80,000 plurality. They used against me the fact that I was 79 years old, which was true, and also stated that I could not remember my name without studying. If there is anything in this world that I have it is a memory.

Senator POMERENE. You have testified that the expenses incident to the session of the general assembly, so far as it was connected with your election, amounted to something like \$2,400.

Senator STEPHENSON. Yes, sir.

Senator POMERENE. Did you file any account of those expenditures?

Senator STEPHENSON. No, sir.

Senator POMERENE. At no time?

Senator STEPHENSON. No, sir. I want to say that the attorney general said that I did not have to file any account until after the legislature had elected me. I tried to find out as best I could. I wrote the secretary of state.

Mr. LITTLEFIELD. The Senator's position is that he was elected on the 26th of January.

Senator POMERENE. I understand the position the Senator takes.

Mr. LITTLEFIELD. And that whatever occurred afterwards had no proper relation to the election, and that substantially all of the expenses were incurred after that.

Senator POMERENE. What part of these expenditures of \$2,500 were incurred prior to or on January 26?

Senator STEPHENSON. I do not know that any of them were. I do not know.

Senator POMERENE. So far as that is concerned, you had no personal knowledge of it?

Senator STEPHENSON. No, sir; I was in Washington.

Senator POMERENE. Who had arranged for Mr. Edmonds to go to Madison to look after your interests?

Senator STEPHENSON. I do not recollect. I think he, as my manager in the primary, followed it up.

Senator POMERENE. Had you asked him to do it?

Senator STEPHENSON. It is possible. I am not sure about that. I was in Washington all of the time.

Senator POMERENE. Do you remember whether you had any correspondence with him upon that subject?

Senator STEPHENSON. No; I do not.

Senator POMERENE. I am not sure that I understand you. Do you mean that you have no memory about it?

Senator STEPHENSON. No. He was in Washington once or twice during that winter.

Senator POMERENE. Prior to the meeting of the general assembly?

Senator STEPHENSON. No; I think not. I saw him during the holidays.

Senator POMERENE. Had you consulted with Mr. Edmonds or Mr. Sacket as to the form of your expense account that was to be filed with the secretary of state?

Senator STEPHENSON. No, sir. I asked him to make it out, and he made it out.

Senator POMERENE. Did you see this expense account—that is, the detailed expense account—prior to the time of your signing the affidavit to the account which was filed?

Senator STEPHENSON. No, sir; only in bulk, as I returned it. I did not see any of the details.

Senator POMERENE. Did they advise you from time to time as to how they were expending this money?

Senator STEPHENSON. Not as a rule; no, sir.

Senator POMERENE. Did you ask for any report from them from time to time as to how they were expending this money?

Senator STEPHENSON. No, sir. I had confidence in Mr. Edmonds and Mr. Puelicher and my bankers, and I have yet.

Senator POMERENE. Referring to this letter of August 4, it was made known to you that to carry out Mr. Edmonds's plan he needed more money?

Senator STEPHENSON. Yes, sir.

Senator POMERENE. Did you at that time take up with him the matter as to the amount which you felt disposed to put into the campaign?

Senator STEPHENSON. I can not say as to that. We telephoned some. I think I was in the headquarters only twice, and not to exceed an hour altogether during the entire campaign. I was not in Milwaukee but about three times.

Senator POMERENE. In other words, we are to understand, then, that you left the entire management of this campaign to your campaign managers, and about all you did was to furnish the sinews of war?

Senator STEPHENSON. Yes; and I will say right there that for 10 days I went on my annual fishing trip, and for about a week I was on my yacht, and I had all my other business to attend to during those 60 days, and it is very extensive. I gave the campaign very little attention. I should have given it more.

Senator POMERENE. I think that is all I care to inquire about now. It may be that after the committee meets in Washington we may want to inquire of you further.

Mr. LITTLEFIELD. Of course we are proposing to stop here to-day with the understanding that, after looking the matter over, if there is anything that we desire to produce we shall have the opportunity to do it.

TESTIMONY OF THOMAS F. RAMSEY.

(By direction of the committee the testimony of Thomas F. Ramsey, now deceased, given before the joint investigation committee of the Legislature of Wisconsin and found at pages 4063 to 4075 of the testimony taken by that committee, is incorporated in the record at this point. Said testimony is as follows:)

THOMAS F. RAMSEY, being duly sworn, testified as follows:

Examined by Mr. HAMBRECHT:

Q. Where do you live?—A. Milwaukee.

Q. How long have you lived there?—A. Born there, and lived there all my lifetime.

Q. What assembly district do you come from?—A. The sixth assembly district, comprising the third, fourth, and seventh wards.

Q. Are you a member of the legislature?—A. Yes, sir.

Q. Your first term?—A. No; I served four years ago for one term.

Q. What party did you represent there?—A. Democratic Party.

Q. What party do you represent now?—A. Democratic Party.

Q. Have you always been a Democrat?—A. Always.

Q. Did you have any opposition in the primary election?—A. I did.

Q. Who ran against you?—A. Henry M. Wilmot. He is employed in the district court.

Q. Is he the only opponent you had?—A. The only one.

Q. How much did you beat him by?—A. Oh, five hundred and something.

Q. Did you take any part in the senatorial contest in your party in Milwaukee?—A. No, sir.

Q. For Neal Brown or Mr. Hoyt?—A. No; I was for Hoyt. You mean in the Democratic Party?

Q. Yes.—A. No; I was looking after my canvass.

Q. What did you do for Mr. Hoyt?—A. Didn't do anything for Mr. Hoyt.

Q. Except vote for him?—A. That is all; and if anyone asked me for advice I advised them to vote for Hoyt; that is all.

Q. Did you handle any money for any of the candidates?—A. No, sir; not a cent.

Q. What were your campaign expenses?—A. Oh, I think I filed a statement of \$254.

Q. Did that include the primary and election?—A. Yes, sir.

Q. Who was your opponent in the general election?—A. Chauncey W. Yockey.

Q. What were his politics, Republican?—A. Republican.

Q. Did you have a Socialist opponent?—A. Yes, sir; but we don't pay any attention to them.

Q. How close was the election between you and Yockey?—A. Oh, I was elected by 596, I think.

Q. Is that precinct or assembly district usually Democratic?—A. Yes. A couple of years ago there was a fluke there.

Q. And a Republican elected?—A. A Republican slipped in, yes, through that district attorney fight there.

Q. Who was the member two years ago?—A. Lucian H. Palmer.

Q. Did you take part in the senatorial contest in the legislature this present session?—A. No, sir; I did not, except to vote with the Democratic Party.

Q. How often did you vote with the Democratic Party? I understand there were 23 ballots taken, to refresh your recollection, all together.—A. Well, I voted with the Democratic Party every time that I was here, excepting the day that the Senator was elected.

Q. You mean Senator Stephenson?—A. Senator Stephenson; yes, sir.

Q. How many times were you absent, if you can remember, from the sessions during the voting?—A. I guess maybe four; somewhere along there—four or five.

Q. Were you absent on March 4 during the election for United States Senator? That is the day on which Isaac Stephenson was elected, if I remember rightly.—A. Yes, sir.

Q. How did you come to be absent on that day?—A. Well, I got a telegram from Mr. Fenelon, at Ripon, asking me if I would not pair with him and I sent a reply back that I granted his request, and so I kept my pledge. I have got the telegram here.

Q. What is Mr. Fenelon's politics?—A. I believe he is a Republican. That [indicating] is the telegram I received and I only made this copy of the reply yesterday. I don't know that that is the exact reading, but that can be seen over in the telegraph office.

Mr. BRAY (to Mr. Hambrecht). Just read it.

Mr. HAMBRECHT. I will introduce that in the record.

(Telegram marked "Exhibit 461a, Edward H. Smith, Official Reporter." Envelope marked "Exhibit 461b, Edward H. Smith, Official Reporter.")

Said exhibits are as follows:

EXHIBIT 461a.

(On blank of the Western Union Telegraph Co.)

Received at 6 au c v 14. Paid.

21
RIPON, WIS., March 4, '09.

THOMAS RAMSEY, *Assembly, Madison, Wis.:*

Can't you pair with me on United States Senator? Am much better; papers' reports wrong.

JAMES FENELON.

11.01 a. m.

11.06.

EXHIBIT 461b.

Envelope of the Western Union Telegraph Co., addressed to "Thomas Ramsey, Assembly."

Lower left-hand corner: "Number 21. Charges paid."

Q. I show you telegraph, marked "Exhibit 461a," and ask you what that is?—A. That is the telegram I received from Mr. Fenelon in the chamber.

Q. On what date did you receive it? On the date it bears on the message?—A. Yes; March 4.

Q. I show you Exhibit 461b, and ask you what that is?—A. That is the envelope.

Mr. BRAY. What is the time of the telegram?

A. 11.06.

Q. A. m.?—A. A. m.

Q. I show you Exhibit 462, and ask you what that is?—A. That is a copy of the reply that I sent, as near as I can get it.

Q. And from what data or memorandum did you make that copy?—A. It was before half past 11. I went over to the telegraph office and sent it.

Q. In making this copy, did you make this copy from memory?—A. Yes, sir; from memory. I made that copy yesterday, from memory.

Mr. HAMBRECHT. I will read Exhibit 461a into the record, outside of the characters at the top. I don't know what they mean [reading]:

"RIPON, WIS., March 4, 1909.

"THOMAS RAMSEY, *Assembly, Madison, Wis.:*

"Can't you pair with me on United States Senator? Am much better; papers' reports wrong.

11.06.

"JAMES FENELON."

Mr. HAMBRECHT. At the left, 11.01 a. m.

Exhibit 461b is the envelope containing the message, as I understand it.

Exhibit 462 is dated Madison, March 4, 1909.

"To Hon. JAMES FENELON, *Ripon, Wis.*:"

"Your request to pair on United States Senator granted; glad to hear of your improvement.

(Copy.)

"THOMAS F. RAMSEY."

By Mr. BRAY:

Q. How is Mr. Fenelon, now; do you know, Mr. Ramsey?—A. I haven't heard of him lately. I understood he was improving.

Q. He has not been able to come down to the legislature, has he?—A. I don't know.

Q. Has he attended the legislature?—A. I don't know. That is all I know of it.

By Mr. HAMBRECHT:

Q. Did Mr. Fenelon ever answer to roll call while you were in the assembly?—A. I believe he did; the first few roll calls.

Q. Did he, during the senatorial election, answer to roll call?—A. I don't think so.

Q. Are you acquainted with Mr. Fenelon?—A. I know him to see him, that is all. I remember of seeing him here at the organization. I ain't sure but what I was introduced to him at the platform convention.

Q. How did you know that Mr. Fenelon was going to vote for Mr. Stephenson?—A. Why, I think the papers always had him quoted as a Stephenson man.

Q. It doesn't say anything about it in the telegram. What did you understand by "pairing" when you received that message?—A. Well, a number of them up there were paired every day, and I understood by pairing that if I paired with him I was to walk out and not vote on United States Senator at all.

Q. And in accordance with that idea of pairing, did you follow instructions or your idea of pairing?—A. It was my idea of what was the practice upstairs there.

Q. Did you walk out on March 4?—A. I did.

Q. What time did you walk out of the assembly?—A. Well, I think about—I think we got through with the regular proceedings about a quarter to 12. I think I left there about a quarter to 12.

Q. Did you leave immediately after the assembly adjourned its regular proceedings?—A. I believe I did.

Q. Have you talked with anyone with reference to your vote or leaving the chamber when the vote was taken?—A. No, sir.

Q. Had you talked with Mr. Overbeck?—A. I never talked with him only at the breakfast table over there in the hotel; general conversation on the Senator business.

Q. What hotel?—A. The Avenue Hotel.

Q. What conversation did you have with him over there?—A. I didn't have any conversation with him; but if there were three or four at the table there was general discussion, "Expect to win out to-day," or something of that kind.

Q. Did you have conversation with him on March 4 along that line?—A. No, sir; I did not; I didn't see him.

Q. Did you have a conversation with Mr. Wayland with reference to the senatorial situation?—A. Mr. Who?

Q. Mr. Wayland.—A. No; I don't know the gentleman.

Q. Did you have any conversation with Mr. White with reference to the senatorial situation?—A. No, sir.

Q. Did you have a conversation with anyone who purported to be interested in the Stephenson campaign, who was not a member of the legislature, with reference to the senatorial campaign?—A. No, sir; I did not.

Q. Did you attend any caucus or meeting of the members of your party and part of the members of the Republican party with reference to the senatorial situation?—A. No, sir.

Q. Were you invited to attend any such meeting?—A. No, sir.

Q. Did you know of any such meeting being held?—A. No; I did not. The only party meeting I attended was the meeting when Neal Brown was present.

Q. Was the question of United States Senator discussed at that meeting?—A. Yes; it was.

Q. Was the attitude of the Democratic members of the legislature discussed at this meeting?—A. Well, the question came up in case there should be a break as to what the Democrats had better do. They didn't come to any understanding, but Neal Brown virtually released the Democrats from their pledge.

Q. To support him?—A. To support him. He said he had received all the honor they could give him in the party, and if the party could receive any benefit from it they could go in a body to some one.

Q. What had you reference to when you say "in case of a break"?—A. Well, I suppose that meant a break in the Stephenson ranks.

Q. In case some other candidate would be voted on in the legislature aside from Mr. Stephenson?—A. That is what I understood.

Q. Do you know of any talk along that line to put up some other candidate except Mr. Stephenson?—A. I haven't heard any after that.

Q. Did you prior to that?—A. No; nor prior to that.

Q. Had any member of the legislature talked to you in reference to your vote on the senatorial question?—A. No, sir.

Mr. BRAY. You don't mean to say no member of the legislature talked to you in regard to it.

A. Oh, I understand you mean to urge me to vote.

Mr. HAMBRECHT. Well, I had that in view when I asked the question. I was going to ask it a little more fully to bring out what I mean.

Q. Did you have any talk as to how you should vote on the senatorial question with any member of the legislature?—A. No; not at all.

Q. Did you talk the matter over with members of your own party as to what you should do?—A. No; I did not. Oh, I don't know. I think one evening, maybe, Senator Husting and I had a chat in regard to it. I believe I told him I didn't care who was elected Senator.

Q. Did you receive any inducement, financial or otherwise, from anyone purporting to speak for Senator Stephenson or otherwise, to leave the assembly chamber during the vote for United States Senator on March 4?—A. No, sir.

Q. Or at any other time?—A. No, sir.

Q. Was any proposition made to you, either directly or indirectly, to influence your vote or to stay away?—A. No, sir.

Q. At any time with reference to the election of United States Senator?—A. No, sir; none at all.

Q. You heard of a charge made on the floor of the assembly by Messrs. Leuch and Zimmerman that they had some knowledge of corruption and something about a \$1,500 offer. Did you hear that?—A. I heard those remarks.

Q. Do you know anything about that?—A. No, sir.

By Mr. INGALLS:

Q. The other occasions, Mr. Ramsey, when you were not at the joint sessions prior to this one, were you home or here in the city?—A. I was home.

Q. And how does it happen that you didn't attend the joint session?—A. Well, I will tell you. I am in the insurance business and I was a member here four years ago, I was generally away up to Tuesday noon or Tuesday afternoon attending to my business; I can't do much of anything on Saturday, and I spent Monday and Tuesday morning in tending to my business, and one of the days I attended the funeral of this Andrew Gleason, the engineer that was killed. He was an old friend and neighbor of mine.

Q. And is that the only reason you had for being absent from the session?—A. That is all, sir. I believe on one of the occasions I wrote the speaker for a leave of absence.

Q. And you want to be understood here, Mr. Ramsey, that no inducements, directly or indirectly, from any of these senatorial candidates, were offered you to keep away or keep out of the session, as you have stated here?—A. None whatever.

Q. You are perfectly willing to testify here on this matter?—A. Yes, sir.

Q. You haven't any objection to telling what you know about it?—A. (No answer.)

By Mr. BRAY:

Q. Have you received any benefit whatever in any way, or has any friend of yours received any benefit in any way that you know of, as a direct or indirect result of your not being present at the time Stephenson was elected?—A. None whatever.

Q. At the time that Stephenson was elected, when you discovered that he was elected, did you regret your pair—that you had paired?—A. No; I did not.

Q. You regarded the telegram from Mr. Fenelon as being bona fide?—A. Yes, sir.

Q. Have you learned since whether or not it was?—A. How is that?

Q. Have you learned since whether or not Mr. Fenelon ever sent the telegram?—A. I never heard any more from him; I never made any effort to find out. I supposed it was all right.

Q. Has it occurred to you since that perhaps it wasn't a genuine telegram?—A. Why, no; it didn't until now. He said he was improving. I didn't think he was a man who would send me—

Q. Well, did it ever occur to you that perhaps he didn't send it?—A. It didn't occur to me, that's all, at the time.

Q. Has it since?—A. No, until this—well, he hasn't been coming here, and I suppose he probably is slowly recovering, that's all.

Q. Well, when you got the telegram, you had no doubt that Mr. Fenelon was well enough to send you a telegram and had sent it himself?—A. That is what I believed at that time; yes, sir.

Q. And you had no reason to think differently?—A. None at all.

Q. Have you received any information since that would lead you to think that you were correct in that assumption?—A. I haven't received any information—but I guess I didn't understand your question.

Q. That would lead you to think that Mr. Fenelon himself really did authorize the sending of that telegram?—A. I really believed it.

Q. Have you received any information that would indicate that that wasn't the fact?—A. None whatever.

Q. It hasn't occurred to you that perhaps that wasn't the fact before?—A. No; I never thought of it afterwards. I thought, well, someone might have seen him in regard to it.

Q. Do you know whether or not anyone did see him in regard to it and direct him to send it?—A. I don't know.

Q. Or suggest to him that he send it?—A. I don't know.

Q. Do you know whether or not anyone sent it for him?—A. I don't know.

Q. Did you discuss it with anyone after you got it?—A. No, sir.

Q. Do you know whether Mr. Fenelon is able to come down here to testify—if he is well enough?—A. I don't know.

Q. Has he been in the legislature since that time that you know of?—A. Since I received the telegram?

Q. Yes.—A. I don't think so. Not while I have been here.

Q. Is he alive?—A. I hope so.

Q. Do you know?—A. I don't know.

Mr. HAMBRECHT. You mean now, or when the telegram was sent?

A. Telegraph over and find out.

Mr. HAMBRECHT. No; I am asking Mr. Bray if he means now or when the telegram was sent.

Mr. BRAY. I mean to ask if he knows whether he is alive now. I heard he was dying one day.

The WITNESS. I hope the poor fellow will live to get over here before the session closes.

Mr. BRAY. I hope so, too.

Q. Did anyone tell you that you were going to get this telegram?—A. No, sir.

Q. Did anyone know at the time you left the assembly that you had received this telegram?—A. Not that I know of.

Q. That is, I mean anyone outside of the telegraph office?—A. Not to my knowledge.

Q. Did you ever discuss the fact that you had received this telegram with Mr. Overbeck, Mr. White, or Mr. Wayland?—A. No, sir.

Q. Ever discuss it with Mr. Powell?—A. No, sir.

Q. Or Charley Lush?—A. No.

Q. Or Senator Husting?—A. No; I don't think so.

Q. You did have a little discussion about it with John Hughes, didn't you?—A. Yes, quite a lively discussion.

Q. Did John say anything that made you regret having received the telegram?—A. Not yet.

Q. John is a pretty good talker?—A. Why, yes. Dodge County approved of the course of the Democrats. They elected a Republican county judge over there.

Q. Do you think your walking out of the assembly had anything to do with that? Senator HUSTING. I hope not.

Mr. HAMBRECHT. Do you mean to say while the investigation was pending, Mr. Ramsey?

A. Yes.

Q. Is that a source of satisfaction to you?—A. Well, the source of satisfaction to me is that the people of my district generally approve of my action out here, I believe.

Senator HUSTING. It is enough even to make Dodge County go Democratic—I mean Republican.

Q. Did John Hughes say anything to you, urge you at different times to act under his leadership, or the leadership of the Democratic leaders in the assembly, urge you to act as one of their body with them, as a unit?—A. Mr. Hughes and Mr. Kneen, I think, on March 3 urged me to leave the chamber with the triple alliance.

Mr. HAMBRECHT. To what do you refer as the triple alliance?

A. Well, the combination of social Democrats and Republicans and alleged Democrats.

Senator HUSTING. I would accept that as a compliment, coming from my friend across the table there.

Q. Did you say Republicans?—A. Well, one of the factions of the Republicans—so-called Republicans.

Mr. BRAY. I didn't know but what you meant alleged Republicans.

Q. Did you violate any agreement that you had with John Hughes when you went out the day Mr. Stephenson was elected?—A. No, sir.

Q. Did you violate any agreement you had with anybody?—A. No, sir. I had no agreement with anyone on anything; perfectly independent of all agreements.

Q. Do you know Mr. Stephenson?—A. I know him to see him.

Q. If a Republican had to be elected, would you favor him more than any other?—A. Well, I think I would.

Q. Will you tell us for what reason?—A. Well, I think he was entitled to it.

Q. For what reason?—A. Well, for what he did for the Republican Party, and he was the nominee of the primary.

Q. And when you were walking out, did you tell anybody you weren't coming back?—A. No. In going out I met Senator Husting in the hall, and he asked me if I was going to leave them, and I said I thought I was. He didn't say anything, but he grunted.

Mr. HAMBRECHT. He left the day before, didn't he?

(No answer.)

Q. Was his grunt fit to repeat before this committee?

(No answer.)

Mr. HAMBRECHT. That's all I have.

The CHAIRMAN. In this connection I will say that the committee will meet in Washington, at a date to be later fixed by the chairman, after consulting with the members of the committee, the convenience of all parties to be given due consideration.

This committee has now been in session since the 2d day of October, and has examined 116 witnesses. It has also received some 36 affidavits, and has taken more than 2,100 pages of printed testimony. The committee feels that all that could properly be done by it at this time and place has been accomplished. It will take with it to Washington the records and the exhibits.

The committee will now stand adjourned, subject to the call of the chairman.

(Whereupon, at 12 o'clock and 40 minutes p. m., the subcommittee adjourned subject to the call of the chairman.)

APPENDIX.

The following is a list of the bills and receipts found in what is known as the "red box," and referred to in the testimony of Rodney Sacket on Wednesday, November 1, 1911:

Date.	Names.	Amount.
July 8, 1908.	Wisconsin Telephone Co.	\$5.00
July 7, 1908.	do.	30.00
Aug. 20, 1908.	do.	73.55
July 23, 1908.	do.	5.75
Aug. 24, 1908.	do.	1.95
Aug. 18, 1908.	do.	2.50
July 21, 1908.	American Express Co.	.70
July 22, 1908.	do.	.30
July 20, 1908.	United States Express Co.	.24
Do.	do.	3.59
July 18, 1908.	American Express Co.	1.95
Do.	United States Express Co.	.70
July 12, 1908.	do.	1.00
July 13, 1908.	American Express Co.	.25
Do.	Philip Gross Hardware Co.	.40
June 3, 1908.	United States Express Co.	
July 8, 1908.	do.	
Do.	do.	
July 10, 1908.	do.	1.20
July 20, 1908.	do.	.35
Sept. 5, 1908.	Western Union Telegraph Co.	8.53
Aug. 29, 1908.	American Express Co.	.35
Aug. 19, 1908.	do.	1.80
Aug. 20, 1908.	do.	3.72
Aug. 31, 1908.	do.	1.51
Aug. 22, 1908.	do.	.65
Aug. 24, 1908.	do.	.35
Do.	do.	.35
Aug. 21, 1908.	United States Express Co.	5.70
Do.	do.	6.85
Aug. 26, 1908.	do.	5.70
Aug. 11, 1908.	American Express Co.	3.06
Aug. 12, 1908.	do.	1.20
Do.	do.	5.03
Aug. 15, 1908.	do.	5.24
Aug. 18, 1908.	do.	8.37
Aug. 16, 1908.	do.	.35
Do.	do.	3.80
Aug. 15, 1908.	do.	.70
Do.	do.	5.95
Aug. 19, 1908.	do.	7.00
Aug. 22, 1908.	United States Express Co.	2.60
Do.	do.	2.90
Aug. 20, 1908.	do.	.41
Aug. 22, 1908.	do.	.30
Do.	do.	.35
Aug. 21, 1908.	do.	2.25
Aug. 22, 1908.	do.	5.35
Aug. 20, 1908.	do.	.40
Do.	do.	.35
Aug. 19, 1908.	do.	2.97
Do.	do.	.70
Aug. 18, 1908.	do.	1.30
Do.	do.	5.55
Do.	do.	1.20
Aug. 8, 1908.	do.	1.80
Aug. 19, 1908.	do.	.55
Aug. 20, 1908.	do.	4.68
Do.	do.	5.35
Do.	do.	4.45
Aug. 22, 1908.	do.	.70
Aug. 31, 1908.	do.	7.77
Do.	do.	.60

Date.	Names.	Amount.
Aug. 30, 1908.....	United States Express Co.....	\$2.03
Do.....	do.....	1.49
Do.....	do.....	2.23
Do.....	do.....	.50
Do.....	do.....	1.44
Do.....	do.....	.84
Do.....	do.....	.60
Do.....	do.....	.88
Aug. 28, 1908.....	do.....	.95
Aug. 29, 1908.....	do.....	.23
Do.....	do.....	1.95
Do.....	do.....	.90
Do.....	do.....	.95
Aug. 28, 1908.....	do.....	2.18
Do.....	do.....	.16
Aug. 27, 1908.....	do.....	.35
Do.....	do.....	3.65
Do.....	do.....	2.10
Aug. 28, 1908.....	do.....	.30
Aug. 26, 1908.....	do.....	.65
Do.....	do.....	3.95
Do.....	do.....	.75
Aug. 27, 1908.....	do.....	.46
Aug. 25, 1908.....	do.....	2.60
Do.....	do.....	3.64
Aug. 24, 1908.....	do.....	3.91
Do.....	do.....	.65
Aug. 4, 1908.....	American Express Co.....	3.50
Aug. 5, 1908.....	do.....	.70
Do.....	United States Express Co.....	2.15
Aug. 6, 1908.....	American Express Co.....	.51
Do.....	do.....	2.66
Aug. 8, 1908.....	do.....	2.49
Do.....	do.....	1.30
Aug. 11, 1908.....	do.....	3.55
July 23, 1908.....	United States Express Co.....	.30
July 29, 1908.....	do.....	3.05
Do.....	do.....	1.35
July 31, 1908.....	do.....	2.10
Aug. 1, 1908.....	do.....	1.00
Aug. 3, 1908.....	do.....	2.80
Do.....	do.....	.70
Do.....	do.....	1.25
Aug. 1, 1908.....	do.....	4.15
July 30, 1908.....	do.....	3.05
July 28, 1908.....	do.....	1.05
July 29, 1908.....	Standard Paper Co.....	2.85
July 25, 1908.....	do.....	14.00
Aug. 4, 1908.....	American Express Co.....	\$2.50
Aug. 5, 1908.....	American Express Co.....	.70
Do.....	American Express Co.....	2.15
Aug. 6, 1908.....	American Express Co.....	.51
Aug. 7, 1908.....	American Express Co.....	2.66
Aug. 8, 1908.....	American Express Co.....	2.49
Aug. 10, 1908.....	American Express Co.....	1.30
Aug. 11, 1908.....	American Express Co.....	3.55
Aug. 1, 1908.....	Nec-Ska-Ra Mineral Spring Co.....	16.86
July 23, 1908.....	The Sullivan Printing Co.....	.50
July 18, 1908.....	Wisconsin Telephone Co.....	4.00
Aug. 11, 1908.....	United States Express Co.....	1.00
Aug. 10, 1908.....	do.....	5.10
Do.....	do.....	.55
Do.....	do.....	3.50
Do.....	do.....	.90
Aug. 3, 1908.....	do.....	5.42
Aug. 7, 1908.....	do.....	.59
Aug. 8, 1908.....	do.....	.59
Aug. 4, 1908.....	do.....	3.55
Aug. 5, 1908.....	do.....	.59
Do.....	do.....	.55
Do.....	do.....	2.15
(Date undecipherable).....	American Express Co.....	.70
July 25, 1908.....	American Express Co.....	\$4.00
July 27, 1908.....	American Express Co.....	2.75
July 28, 1908.....	American Express Co.....	1.10
Do.....	American Express Co.....	3.10
July 29, 1908.....	American Express Co.....	1.30
Do.....	American Express Co.....	1.30
July 30, 1908.....	American Express Co.....	.70
July 31, 1908.....	American Express Co.....	1.75
Aug. 1, 1908.....	American Express Co.....	2.90
Do.....	American Express Co.....	.50
Aug. 3, 1908.....	American Express Co.....	.70

Date.	Names.	Amount.
July 22, 1908.....	Western Union Telegraph Co.....	\$0.53
July 28, 1908.....	Western Union Telegraph Co.....	.65
July 30, 1908.....	Western Union Telegraph Co.....	.60
July 31, 1908.....	Western Union Telegraph Co.....	.25
July 20, 1908.....	Western Union Telegraph Co.....	.60
Do.....	Western Union Telegraph Co.....	.39
July 22, 1908.....	Western Union Telegraph Co.....	.25
July 25, 1908.....	Western Union Telegraph Co.....	.40
		\$3.67
Aug. 25, 1908.....	American Express Co.....	4.00
July 27, 1908.....	do.....	2.75
July 28, 1908.....	do.....	1.10
Do.....	do.....	3.10
July 29, 1908.....	do.....	1.30
Do.....	do.....	1.30
July 30, 1908.....	do.....	.70
July 31, 1908.....	do.....	1.75
Aug. 1, 1908.....	do.....	2.90
Do.....	do.....	50.00
Aug. 25, 1908.....	Wisconsin Telephone Co.....	23.00
Do.....	do.....	50.05
Do.....	do.....	145.05
Do.....	do.....	6.90
Do.....	do.....	79.50
Do.....	do.....	103.95
Do.....	do.....	132.45
Sept. 2, 1908.....	American Express Co.....	10.42
Aug. 16, 1908.....	West Side Printing Co.....	3.50
July 28, 1908.....	Abbie A. Brown (stenographer).....	3.75
July 15, 1908.....	Whitehead & Hoag Co. (advertising).....	150.25
July 18, 1908.....	do.....	111.75
July 8, 1908.....	do.....	25.00
July 14, 1908.....	do.....	77.25
July 22, 1908.....	do.....	138.00
July 1, 1908.....	Wells Building Co. (rent).....	75.00
July 15, 1908.....	do.....	15.00
July 1, 1908.....	Wells Power Co. (light).....	.88
July 14, 1908.....	Siekert & Baum Stationery Co.....	.50
Do.....	do.....	.95
July 15, 1908.....	do.....	.65
Do.....	do.....	1.10
July 16, 1908.....	do.....	2.25
July 7, 1908.....	The H. H. West Co., stationers.....	4.50
July 15, 1908.....	Standard Paper Co.....	93.75
June 30, 1908.....	The Evening Wisconsin.....	5.50
Do.....	do.....	5.50
July 2, 1908.....	do.....	78.00
July 6, 1908.....	do.....	62.00
July 7, 1908.....	do.....	58.50
July 8, 1908.....	do.....	52.00
July 9, 1908.....	do.....	62.00
July 11, 1908.....	do.....	19.50
July 14, 1908.....	do.....	49.00
Do.....	do.....	25.00
July 17, 1908.....	do.....	2.50
Aug. 11, 1908.....	J. W. Cooke.....	70.00
July 17, 1908.....	Reliance Stamp & Stencil Works.....	1.25
July 2, 1908.....	do.....	1.25
July 1, 1908.....	do.....	1.35
July 20, 1908.....	Wm. C. Kreul Co. (office supplies).....	27.30
July 21, 1908.....	do.....	1.30
July 22, 1908.....	do.....	1.60
July 23, 1908.....	do.....	1.00
July 27, 1908.....	do.....	1.90
July 11, 1908.....	C. C. Patterson (typewritten forms and circular letters).....	46.50
July 1, 1908.....	Underwood Typewriter Co.....	4.00
July 21, 1908.....	Smith Premier Typewriter Co.....	5.00
Do.....	do.....	1.40
July 31, 1908.....	Fowler Manufacturing Co. (toilet supplies).....	2.25
Do.....	do.....	3.75
Aug. 20, 1908.....	Van de Kamp & Lorberter (printing).....	775.50
Aug. 15, 1908.....	do.....	4.00
Aug. 19, 1908.....	do.....	120.50
Aug. 20, 1908.....	do.....	.90
Aug. 22, 1908.....	do.....	125.00
Aug. 24, 1908.....	do.....	120.50
Aug. 26, 1908.....	do.....	75.00
Aug. 27, 1908.....	do.....	130.25
Aug. 31, 1908.....	do.....	65.00
July 30, 1908.....	do.....	13.00
July 17, 1908.....	do.....	118.00
July 20, 1908.....	do.....	78.50
July 22, 1908.....	do.....	72.00
Do.....	do.....	2.75
July 25, 1908.....	do.....	5.75

Date.	Names.	Amount.
July 28, 1908	C. C. Patterson (typewritten forms and circular letters)	\$10.00
July 23, 1908	do.	21.25
July 17, 1908	Hammersmith Engraving Co.	5.75
Sept. 7, 1908	Fowler Manufacturing Co. (toilet supplies)	.75
Aug. 29, 1908	W. A. Hume	2.10
Do.	John Ortleb (billposter)	9.00
Sept. 1, 1908	Smith Premier Typewriter Co.	4.50
Do.	do.	2.00
Aug. 17, 1908	Wm. C. Kreul Co. (office outfitters)	7.50
Do.	do.	1.50
Aug. 19, 1908	do.	2.00
Aug. 24, 1908	do.	1.00
Aug. 25, 1908	S. E. Tate Printing Co.	40.00
Aug. 21, 1908	do.	3.25
July 30, 1908	H. M. Allen (cigar manufacturer)	4.00
Aug. 4, 1908	do.	4.00
Aug. 10, 1908	do.	2.35
Aug. 18, 1908	do.	2.20
Aug. 28, 1908	S. E. Tate Printing Co.	6.50
Aug. 19, 1908	Underwood Typewriter Co.	4.00
Sept. 1, 1908	C. B. Henschel Manufacturing Co.	200.00
Aug. 20, 1908	H. T. Sackett	60.00
Sept. 8, 1908	Wells Power Co.	17.30
Aug. 1, 1908	do.	.35
Aug. 29, 1908	Kewaunee Printing Co.	15.00
July 31, 1908	Sickert & Baum Stationery Co.	1.30
July 29, 1908	do.	3.70
July 28, 1908	do.	5.80
Do.	do.	.90
July 27, 1908	do.	1.65
July 23, 1908	do.	1.05
July 20, 1908	do.	4.00
Do.	do.	1.60
Sept. 2, 1908	P. B. Haber Printing Co.	72.00
Aug. 26, 1908	Parsons Printing & Stationery Co.	42.50
Aug. 21, 1908	Mandel Engraving Co.	65.70
Do.	Union Ribbon & Carbon Co.	3.00
Sept. 1, 1908	H. M. Allen, cigars	2.35
Aug. 27, 1908	do.	2.35
Aug. 24, 1908	do.	2.35
Sept. 2, 1908	do.	4.70
Aug. 13, 1908	Dever Bros. Paper Co.	15.25
Aug. 14, 1908	do.	15.25
Aug. 19, 1908	do.	15.25
Aug. 21, 1908	do.	10.72
Do.	do.	7.93
Aug. 26, 1908	do.	15.25
Aug. 19, 1908	Sickert & Baum Stationery Co.	14.55
Do.	do.	.50
Aug. 20, 1908	do.	.75
Aug. 22, 1908	do.	1.98
Aug. 24, 1908	do.	.32
Aug. 25, 1908	do.	1.00
Aug. 27, 1908	do.	1.19
Aug. 28, 1908	do.	.36
Sept. 1, 1908	do.	6.00
Aug. 28, 1908	do.	1.70
Aug. 22, 1908	Dever Bros. Paper Co.	16.08
Sept. 1, 1908	Nee-Ska-Ra Mineral Spring Co.	8.00
Aug. 21, 1908	G. V. Buck, photographer	12.00
July 30, 1908	Underwood Typewriter Co.	4.00
Aug. 12, 1908	Abbie A. Brown (stenographer)	28.00
July 29, 1908	Gimbel Bros.	.45
Aug. 11, 1908	Wm. C. Kreul Co. (several bills)	118.25
	Yahr & Lange Drug Co.	4.75
	Wells Building Co. (rent)	75.00
	do.	30.00
Aug. 1, 1908	do.	75.00
Do.	do.	30.00
Do.	Wells Power Co.	6.00
Aug. 20, 1908	Meyer News Service Co.	49.40
Do.	Sickert & Baum Stationery Co.	35.32
Aug. 14, 1908	Bowron-Murray Co.	22.40
Aug. 5, 1908	Standard Paper Co.	3.55
Aug. 10, 1908	Milwaukee Drug Co.	3.83
Aug. 21, 1908	Nee-Ska-Ra Mineral Spring Co.	7.25
Aug. 1, 1908	do.	2.50
Aug. 10, 1908	do.	4.75
Aug. 20, 1908	Keystone Printing Co.	53.00
Aug. 4, 1908	Mandel Engraving Co.	278.35
Aug. 10, 1908	Whitehead & Hoag Co.	37.20
Aug. 20, 1908	do.	72.90
Sept. 1, 1908	Campbellsport Bill Posting Co.	10.00
	Nee-Ska-Ra Mineral Spring Co.	1.00

Date.	Names.	Amount.
Aug. 27, 1908.....	The Herald Printing Co. (Chippewa).....	\$17. 50
Sept. 1, 1908.....	Meyer News Service Co.....	6. 60
Aug. 26, 1908.....	Abbie A. Brown (stenographer).....	44. 50
July 30, 1908.....	L. Breithaupt Printing Co.....	660. 00
Aug. 28, 1908.....	Keystone Printing Co.....	3. 00
Aug. 22, 1908.....	do.....	275. 00
Aug. 17, 1908.....	Whitehead & Hoag Co.....	88. 43
Aug. 12, 1908.....	do.....	144. 00
Aug. 14, 1908.....	do.....	124. 54
Aug. 22, 1908.....	Herald Printing Co.....	17. 50
July 27, 1908.....	I. M. Lederer, cigars.....	3. 50
July 26, 1908.....	do.....	4. 50
July 23, 1908.....	do.....	3. 50
July 17, 1908.....	do.....	8. 00
Aug. 15, 1908.....	do.....	8. 75
Aug. 10, 1908.....	do.....	3. 75
Aug. 8, 1908.....	do.....	5. 00
Aug. 5, 1908.....	do.....	5. 00
July 24, 1908.....	Milwaukee Drug Co.....	. 90
Sept. 1, 1908.....	Wright Drug Co.....	5. 00
Aug. 24, 1908.....	C. B. Henschel Manufacturing Co.....	162. 50
Aug. 29, 1908.....	do.....	37. 50
Aug. 31, 1908.....	Hotel Pfister (cigars and café).....	35. 70
Aug. 20, 1908.....	I. M. Lederer, cigars.....	8. 75
Aug. 29, 1908.....	do.....	5. 00
Aug. 26, 1908.....	Cream City Bill Posting Co.....	351. 00
Do.....	I. M. Lederer (cigars).....	5. 00
Aug. 12, 1908.....	L. A. Meyer Co. (electricians, etc.).....	. 75
Sept. 5, 1908.....	Wells Power Co.....	3. 26
Sept. 1, 1908.....	do.....	2. 54
Do.....	do.....	13. 80
Aug. 24, 1908.....	Wells Building Co.....	12. 80
Aug. 21, 1908.....	T. A. Chapman Co.....	5. 42
Aug. 20, 1908.....	Milwaukee Free Press.....	. 45
July 14, 1908.....	William C. Kreul Co. (office supplies; several bills aggregating).....	140. 49
Oct. 19, 1908.....	American Express Co.....	131. 79
Sept. 16, 1908.....	Wisconsin Telephone Co.....	32. 74
Oct. 21, 1908.....	F. R. Huth.....	50. 00
Oct. 19, 1908.....	E. P. Kumpf.....	42. 75
Do.....	Register & Friend.....	2. 80
Do.....	L. E. Evans.....	79. 75
Oct. 20, 1908.....	Sun-Republic.....	20. 00
Sept. 27, 1908.....	The Republican-Observer.....	3. 25
Sept. 8, 1908.....	Wells Power Co.....	10. 70
Oct. 26, 1908.....	Lew Ryerson.....	5. 00
Oct. 27, 1908.....	O. L. Gust.....	60. 00
Oct. 20, 1908.....	Ralph H. Rowe.....	48. 34
Sept. 1, 1908.....	John Anderson Publishing Co.....	266. 20
Sept. 16, 1908.....	Saxe Sign Co.....	1. 50
Sept. 18, 1908.....	Platteville Journal.....	1. 50
Sept. 22, 1908.....	The Randolph Advance.....	2. 38
Oct. 1, 1908.....	Nee-Ska-Ra Mineral Spring Co.....	6. 00
Oct. 17, 1908.....	Remington Typewriter Co.....	4. 00
Do.....	W. E. Powell (work at primary election).....	50. 00
Oct. 20, 1908.....	James Smith.....	112. 50
Oct. 17, 1908.....	J. B. Marshall (services in campaign).....	65. 00
Oct. 21, 1908.....	Alfred Hudson (services rendered).....	6. 50
Do.....	Journal Publishing Co.....	10. 00
Oct. 23, 1908.....	F. W. Parsens.....	6. 00
Oct. 24, 1908.....	Wm. and John Wilson.....	70. 00
Aug. 24, 1908.....	A. E. Richardson.....	5. 00
Oct. 26, 1908.....	J. R. Grey.....	52. 75
Oct. 31, 1908.....	T. J. Sexton.....	171. 10
Nov. 4, 1908.....	O. L. Friend L. F. Barney.....	5. 00
Sept. 20, 1908.....	Sentine Co. (for subscription).....	1. 05
October 1908.....	J. Ratz.....	1. 56
Oct. 28, 1908.....	Wm. and John Wilson (services in campaign).....	70. 00
Aug. 1, 1908.....	Arthur Gough.....	10. 00
Do.....	Wells Power Co.....	. 35
Aug. 17, 1908.....	do.....	6. 60
Aug. 29, 1908.....	S. E. Tate Printing Co.....	6. 50
Aug. 29, 1908.....	The Stoddard.....	10. 70
October 1908.....	Marion Advertiser.....	25. 00
Sept. 5, 1908.....	Herbert H. Noll and I. L. Becker (salary for week ending Sept. 5).....	
Aug. 26, 1908.....	C. M. Hambricht.....	25. 00
Sept. 17, 1908.....	A. L. Osborn.....	154. 00
Sept. 5, 1908.....	L. B. Cox.....	50. 00
Dec. 31, 1908.....	Cary, Upham & Black.....	57. 39
July 27, 1908.....	J. Henry Frank, B. L. M. D.....	150. 00
Sept. 4, 1908.....	Mary McIver (stenographer).....	10. 05
Sept. 8, 1908.....	Ralph Rowe (services in campaign).....	499. 24
Aug. 8-17, 1908.....	A. H. Lambeck (expenses).....	28. 04
Aug. 29, 1908.....	I. L. Becker (salary).....	
Do.....	Isabel Leadbeater (salary).....	

Date.	Names.	Amount.
Aug. 29, 1908	Lilly Dairdoff (salary)	
Do.	Daniel Dalton (salary)	
Do.	Chas. F. Puls (salary)	
Do.	Mary McIver (salary)	
Do.	Herbert H. Noll (salary)	
Do.	Edna Carroll (salary)	
Do.	Alice Flynn (salary)	
Aug. 21, 1908	Otto Pietsch Dye Works	\$1.80
Aug. 25, 1908	I. M. Staffacher	9.50
Aug. 22, 1908	Ralph Rowe (expenses)	21.15
Aug. 25, 1908	D. W. Johnson (expenses)	1.25
Aug. 8, 1908	A. R. Ames and Jerry Keyes (received from Stephenson campaign committee)	700.00
Aug. 13, 1908	Lulu C. Howe (stenographer)	2.00
Aug. 10, 1908	Frank Eklund (services)	7.56
Aug. 8, 1908	C. M. Hambright (expenses)	210.00
July 9, 1908	do.	24.50
Sept. 1, 1908	Geo. B. Waters (distribution of circulars)	2.00
	(expense account)	56.45
Aug. 28, 1908	C. W. Hayes (expenses to Waukesha)	50.00
Aug. 3, 1908	F. W. Schneck & Co.	10.00
Aug. 31, 1908	C. M. Hambright (expenses)	90.20
Aug. 4-8, 1908	A. H. Lambeck (expenses)	10.95
Aug. 26-Sept. 2	do.	44.15
July 27-Aug. 8	Kelley & Wyseman (salary and expenses)	52.28
Aug. 18, 1908	W. O. Roberts	150.00
Aug. 3-8, 1908	Rowe	19.20
Aug. 12, 1908	L. A. Calkins	250.00
	L. H. Stevens (expenses)	28.92
	Arthur J. Wyseman (salary and expenses)	83.60
July 19-31, 1908	Ralph Rowe (expense account)	35.25
	(expense account)	13.04
July 17, 1908	J. R. Keyes (expenses)	38.43
	(expense account)	34.34
July 6-10, 1908	Ralph Rowe	7.60
Sept. 7, 1908	The Republican Farmer (advertising)	10.25
July 24, 1908	Ralph H. Rowe (placing nomination papers)	50.00
July 20, 1908	C. M. Hambright (expenses)	39.50
Aug. 24, 1908	The Journal Printing Co.	100.00
Aug. 27, 1908	John Anderson Publishing Co.	147.00
Oct. 7, 1908	Wisconsin Agriculturist	420.21
July 30, 1908	do.	338.52
Aug. 1, 1908	Ellis B. Usher	250.70
July 25, 1908	do.	73.05
Aug. 31, 1908	C. Rasmussen Publishing Co.	200.00
Aug. 21, 1908	Washington County Publishing Co.	43.40
Aug. 28, 1908	The Marshfield Times	15.00
Aug. 18, 1908	Washington County Publishing Co.	43.80
Aug. 21, 1908	W. C. Bratz (expenses)	21.66
Aug. 13, 1908	Norden Tribune	25.00
Aug. 31, 1908	Minneapolis Tidende	540.00
Aug. 20, 1908	Wisconsin Agriculturist	63.00
Aug. 4, 1908	do.	1,524.17
Aug. 21, 1908	do.	4.00
Do.	do.	4.00
Aug. 25, 1908	Minneapolis Tidende	24.00
Aug. 13, 1908	Washington County Publishing Co.	43.80
July 25, 1908	Minneapolis Tidende (postage)	148.11
Do.	Minneapolis Tidende	176.88
Do.	do.	238.80
Aug. 27, 1908	Wisconsin Agriculturist	475.44
Aug. 6, 1908	Otto J. Koch Advertising Agency	302.91
Aug. 24, 1908	The Courier Printing House	15.00
	T. Dangers	33.93
Aug. 18, 1908	Peter Diedrich	50.00
Sept. 2, 1908	W. J. Fosbinder & Son (billposters)	4.00
Sept. 7, 1908	do.	37.00
Sept. 9, 1908	O. T. Johnson Co. (millwork)	57.76
Aug. 18, 1908	Joseph Plivitz (?)	50.00
Aug. 31, 1908	do.	52.60
Aug. 24, 1908	do.	10.00
July 29, 1908	Joseph Wypiszynski	120.70
July 24, 1908	do.	50.00
Aug. 27, 1908	R. Humphrey	25.00
July 11, 1908	(Name undecipherable)	50.00
Aug. 27, 1908	E. W. Hayes	50.00
Aug. 20, 1908	Daniel H. Moore, jr.	25.00
Aug. 18, 1908	Charles Voigt	76.50
Sept. 7, 1908	Ed. J. Rogers	581.97
July 26, 1908	T. J. Sexton (expenses)	36.64
Aug. 15, 1908	C. O. Larson (expenses)	55.00
Aug. 8, 1908	do.	30.00
July 27, 1908	do.	20.00
July 31, 1908	do.	115.00

AFFIDAVIT OF DR. FRANK GEHBE. OF MANITOWOC, WIS.

STATE OF WISCONSIN, *Manitowoc County*, ss:

Frank Gehbe, being first duly sworn, on oath says: That he is 35 years of age and has always resided at the city of Manitowoc, in said county, except four years, when he resided at Clarks Mills, in Manitowoc County, and is by occupation a dentist.

Affiant further states that he did work for the Stephenson senatorial primary campaign in 1908, covering a period of about 30 days, at the request of the Stephenson campaign managers at Milwaukee; that affiant was a supporter of Senator Stephenson prior to such request.

Affiant further states that in and about the conduct of said campaign he was obliged to employ others to assist in various ways, as hereinafter indicated, but looked after much of the work personally himself, doing more or less traveling in and about the county.

Affiant further states that he received from said headquarters, for disbursement in said campaign and for the payment of the legitimate expenses thereof, the sum of \$200, and from C. E. Brady, of the city of Manitowoc, for the same purposes, the further sum of \$200, and that he disbursed said moneys as follows:

Seven dollars and fifty cents for envelopes and letterheads used in corresponding with various people in the vicinity of Manitowoc.

Eight dollars for postage on above letters.

Mr. Hoffman, of Manitowoc, \$35 for expenses of conveyance and personal expenses in and about the said county and adjoining counties, interviewing different people and advocating the election of Senator Stephenson, including compensation for services covering a period of several days.

Mr. Willard and several newsboys, of Manitowoc, \$25 for distributing the Milwaukee Free Press, containing special advertising matter, at the county fair.

Fifty dollars for the expense of getting up a poll list of all the precincts of Manitowoc County, which county contains 32 precincts; this included expense of assistance, postage, special messengers, and the special service of several people to procure the said lists.

Ten dollars to Mr. Whitney, of Manitowoc, for distributing and putting up lithographs in and about the city of Manitowoc.

Fifty dollars to Mr. Johnson and others whose names affiant does not now remember, of Manitowoc, for distributing lithographs, campaign material, and circulars throughout Manitowoc County, part of Sheboygan County, a part of Brown County, and a part of Calumet County. The amount paid Johnson was for his personal expense, service, and cost of conveyance, and the balance paid others was for services only.

Also \$20 for persons to distribute campaign literature on the fairgrounds during the county fair.

Sixty dollars to Clifford Summerfield for five weeks' work traveling around the above-named districts, giving particular attention to the posting of lithographs and the circulating of literature, and also for services and expense in visiting the various precincts in Manitowoc County, talking with the voters and presenting the merits of Senator Stephenson and the reasons why he should be nominated.

Frank H. Gehbe, \$25 for making two special trips through Manitowoc County, interesting voters generally and people whom Mr. Gehbe knew, in the cause of Senator Stephenson, this amount being for the personal expenses, conveyance, etc., of Mr. Gehbe.

Fifteen dollars for stenographers' work in writing letters into various parts of the county to the voters.

Ten dollars to Ralph Plumb for general campaign work in and about the city of Manitowoc, the same being for personal expenses and services in circulating special advertising matter in the interest of Senator Stephenson and seeing that the lithographs and other poster material was kept in place.

Ten dollars to the Manitowoc Post for special advertisement.

Affiant further states that the balance of said \$400, or about the sum of \$75, was expended in small amounts as compensation to the various poll workers in the various precincts of said county, who were instructed to be at the polls on primary day and distribute the cards of Senator Stephenson and other advertising matter, and to call the attention of the voters to the fact that Senator Stephenson was a candidate, said poll workers being provided in many instances with a list of Stephenson supporters in the various precincts, taken from the

poll lists made by this affiant for use in the general campaign, and that none of the said poll workers were employed unless they were Stephenson men, and the small sums paid them were simply and only as compensation for their day's work.

Affiant further states that he was never called upon to furnish an itemized statement by the Stephenson campaign committee, and did not keep any more accurate account than as hereinbefore set up.

Affiant further states that none of the money disbursed by him or by anyone else, in so far as he knows, in said Manitowoc County or the other districts mentioned, in the Stephenson senatorial primary campaign, was disbursed for the purpose of corruptly or unlawfully influencing or bribing any person or persons to vote for or work in the interest of Senator Stephenson.

Affiant further states that he neither received nor charged anything as compensation for his services in said campaign, although he devoted some time to the general management of it during a period of about 30 days prior to the primary election day; that his interest in said matter was sufficient inducement for him to devote such time without any expectation of compensation.

FRANK H. GEHBE, D. D. S.

Subscribed and sworn to before me this 31st day of October, 1911.

[SEAL.]

ARTHUR RENHERD, *City Clerk*.

STATE OF WISCONSIN, *Douglas County, ss:*

James H. Harper, being first duly sworn, on oath says that he resides at the city of Duluth, in the county and State aforesaid; that he is, and for a number of years past has been, acquainted with Robert J. Shields, of Superior, Wis., and has been and now is associated with said Shields in the fire insurance business both at Duluth and Superior, which business is conducted in Duluth by the Harper-Shields Co., a Minnesota corporation, and at Superior by the Harper-Shields Agency, a Wisconsin corporation.

Affiant says that he has carefully read the following statement, which he is informed was made under oath by Paul O. Hustung as a witness in the Stephenson investigation before a subcommittee of the United States Senate, at Milwaukee, Wis., October 30, 1911, relative to a conversation between said Hustung, Wirt H. Cook, of Duluth, and others, at the office of Attorney McCordie, in the Rooker Building, in Chicago, Ill., and in which conversation said Cook is alleged to have made the statements testified to by said Hustung, as follows:

"MR. HUSTUNG. That is all, except his meeting on the railroad train. Oh, yes, yes; there is another thing that escaped my mind: That Bob Shields then went down to Chicago to get his money—he was to get \$15,000—and that he went into Mr. Hines's office and demanded his pay for what he had done, and that Mr. Hines told him it was too much, or that he would not pay him, or something of that kind; and that Shields went back to Superior and got Harper, and that they went down to Chicago, and Mr. Wiehe and Mr. Hines were there, and got into a dispute and got pretty loud; and finally Hines told him that if he persisted in blackmailing him in that way he would see that he went to the penitentiary; and that then Shields said: 'I have burned your buildings for you, I have bribed the assessors for you for your taxes, and I have committed every crime in the calendar except murder for you; and if I go to the penitentiary, by God, you are going along with me;' and he bolted from the office in a rage; that Hines then set Wiehe out after him and got him back, and that they compromised on, I think it was, \$5,000—I see Mr. Cook said it was \$7,000, and maybe that is correct—and a certain amount of insurance on the casket factory in Chicago in which Mr. Hines is said to be interested, or in which Mr. Shields claimed that Mr. Hines was interested. Then there was this matter in regard to the train that I have already testified to."

Affiant further says that as to the aforesaid statement, "That Bob Shields then went down to Chicago to get his money—he was to get \$15,000—and that he went to Mr. Hines's office and demanded his pay for what he had done, and that Mr. Hines told him it was too much or that he would not pay him, or something of that kind," this affiant does not know of his own personal knowledge as to its truth or falsity, but that, according to the best of his knowledge, information, and belief, said last-mentioned statement is untrue and without any foundation in fact.

Affiant further says that it is not true that Shields went back to Superior and got Harper, meaning this affiant, and that they then went down to Chicago, and Mr. Wiehe and Mr. Hines were there and got into a dispute and got pretty loud.

That the statement that Hines told Shields that if he persisted in blackmailing him in that way he would see that he went to the penitentiary and the statement of Shields in reply thereto is wholly false and without any foundation in fact whatever, so far as this affiant knows or has any information. That so far as affiant has any personal knowledge or information it is also untrue that Hines then sent Wiehe after Shields and got him back and that they compromised on \$5,000 or \$7,000, or any other sum whatever, and that a certain amount of insurance on any casket factory in Chicago or elsewhere, or any other insurance, was given said Shields or this affiant or to their said companies or otherwise by way of compromise or settlement of any dispute or disagreement between said Hines and said Shields. That no such thing ever occurred, to the knowledge, information, or belief of this affiant.

Affiant further says that all the insurance on any casket factory in Chicago written through the agency of said Shields, this affiant, or their said companies was solicited by this affiant of D. S. Sattler, the president of the Western Casket Co. and the Western Casket & Undertaking Co. about a year ago, when a number of branch undertaking stores were established by said casket company in the city of Chicago.

That Shields and this affiant owned a portion of the stock of said casket company, had never received a dividend thereon, and this affiant urged and insisted that by reason of that fact his agency should be given a portion of the insurance of said casket company, which was accorded him under those circumstances and not otherwise.

And further affiant saith not.

JAMES H. HARPER.

Subscribed and sworn to before me this 25th day of November, 1911.

[SEAL.]

HELMER FORSLUND,
Notary Public, Douglas County, Wis.

My commission expires April 18, 1913.

AFFIDAVIT OF WILLIAM C. BRATZ, INSURANCE AGENT, WEST BEND, WIS.

STATE OF WISCONSIN,
Milwaukee County, ss:

William C. Bratz, being first duly sworn, on oath says:

That he is 63 years of age and now resides, and for more than 50 years last past has resided, in the county of Washington and State of Wisconsin, and is by occupation an insurance agent, and is the present mayor of the city of West Bend.

Affiant further states that he did campaign work for Senator Stephenson in the primary contest of 1908, putting in about one month's time. That he was a supporter of Senator Stephenson before he did any work for him, and that he engaged to do campaign work at the request of Senator Stephenson's campaign managers at Milwaukee.

That affiant was told by said campaign managers that he should receive a reasonable compensation for his time and would be reimbursed for his legitimate expenses necessarily incurred and made in advancing Senator Stephenson's interest in the city of West Bend and the county of Washington.

Affiant further states that he devoted nearly his entire time to said campaign work during the period of about one month, traveling in and about the various precincts of said county, which contains 22 precincts, and that he also made disbursements by way of special advertising in the newspapers in the county and circulating and posting up or causing to be posted lithographs of the Senator, and other campaign material. That he was to considerable expense for livery hire and other conveyances, and was at some expense for entertainment, cigars, etc., and that he visited a great many people in and throughout the county and presented the merits of the Senator's campaign.

Affiant further states that he employed a number of people to be at the polls on primary day and circulate the cards of Senator Stephenson, and for the purpose of calling attention of the voters to the fact that the Senator was a candidate, but that no one was employed who was not at the time a supporter of the Senator.

Affiant is unable to remember the names of the persons who were at the polls on primary day, but will state that he did not have poll workers at all of the precincts, and a number that he did have were introduced to him by others in the towns, and were men whom he had never known, but he took them on the recommendation of

affiant's friends, but now recalls Charles Ricke, of Fillmore, Wis., and Leo Bratz, of West Bend.

Affiant further states that he received in all the sum of \$308.96 from the campaign committee. That about \$108.96 was disbursed for advertising and other expenses above indicated, and that about \$200 was retained by this affiant as compensation for the time which he actually devoted to the campaign.

Affiant further states that he was never called upon to render an itemized statement of his expenses, and did not keep strict account of his disbursements; it not occurring to him that it was necessary. That affiant had never been accustomed to keep such expense account in previous campaigns in which he has been interested, and affiant was not called as a witness at the Madison investigation.

Affiant further states that none of the money disbursed by him or by anyone else in so far as he knows, either in the city of West Bend or in the county of Washington, in the Stephenson senatorial primary campaign was disbursed for the purpose of corruptly or unlawfully influencing or bribing any person or persons to vote or work in the interest of Senator Stephenson.

WM. C. BRATZ.

Subscribed and sworn to before me this 25th day of October, 1911.

[SEAL.]

LOTTIE H. BRONSON,

Notary Public, Milwaukee County, Wis.

My commission expires March 29, 1914.

SATURDAY, FEBRUARY 3, 1912.

SENATE OFFICE BUILDING,
Washington, D. C.

The Committee on Privileges and Elections met at 10.30 o'clock a.m.

Present: Senators Dillingham (chairman), Gamble, Heyburn, Clapp, Sutherland, Jones, Oliver, Kenyon, Fletcher, Kern, Lea, and Pomerene.

Present also: Senator Isaac Stephenson; also Mr. Charles E. Littlefield and Mr. W. E. Black, counsel for Senator Isaac Stephenson.

ARGUMENT OF MR. CHARLES E. LITTLEFIELD, ON BEHALF OF SENATOR ISAAC STEPHENSON.

The CHAIRMAN. How much time do you think you will require, Mr. Littlefield?

Mr. LITTLEFIELD. Mr. Chairman, it is impossible for me to tell. I thought I would start in with a discussion of the matter, and the time I occupy will depend largely upon the pleasure or wishes of the committee. I imagine I may perhaps take a couple of hours, or longer. I can not tell, but in that neighborhood.

The CHAIRMAN. We are going on with the Lorimer investigation at 2 o'clock, and we would like you to bring yourself within that limit.

Mr. LITTLEFIELD. Mr. Chairman, I shall accommodate myself in every way to the convenience of the committee, so far as that goes.

The CHAIRMAN. You may proceed at once.

Mr. LITTLEFIELD. Mr. Chairman and gentlemen of the committee, I would like to express at the outset, on behalf of Senator Stephenson, Brother Black, and myself, our appreciation of the courtesy of the committee in allowing us to appear here to discuss the case with the committee. When I say "discuss" I want the committee to understand that I use the term in the full meaning of the term, because, as I go on and address myself to the propositions which it seems to me may

be necessary to bring to the attention of the committee, it would be a very great pleasure to me if any member of the committee would be kind enough, if I do not clear up the various propositions as I go along, or if I do not advert to any proposition that may rest in the mind of any Senator, to call my attention to it, and I shall do the best I can to make what we feel is a competent and adequate explanation. I do not assume I can absolutely answer every question that might be asked, but I would be glad to have the opportunity to do so.

As I go along I desire the committee to fully appreciate that I shall touch only upon various points and reach the questions which it seems to me perhaps may require a discussion in the interest of the Senator. I ought to say further, in the outset, that I have a printed brief, which has been on the way from the express office for about the last three or four hours, and which in the ordinary course of human events is expected to reach here within 10 minutes. When it does come I shall present each member of the committee with a copy.

Briefly, our first proposition is that Senator Stephenson was elected on the 26th of January, 1909. We discuss this quite elaborately in the brief, and unless some member of the committee desires me to go into it in detail in the oral argument I shall simply state in a few words what our position is in relation thereto. There were 33 members of the senate and 100 members of the assembly. On the 26th of January, 1909, Senator Stephenson received 12 votes in the senate, 17 senators voting, 16 voting present. A majority of the senate voted. He also received a large majority of the votes in the assembly. So that under section 15 of the Revised Statutes of the United States, as we contend, he clearly received a majority of the votes cast in each branch of the legislature. I should briefly advert to the contention which I suppose was in the mind of the distinguished gentlemen who then constituted the Wisconsin Legislature, which they thought justified them in proceeding upon the assumption that an election had not taken place on the 26th of January, 1909, because they continued to vote in joint convention until the 4th day of March, 1909. It seems that the senate, prior to the time of the vote on the 26th of January, 1909, voted to allow any member of the senate to vote present. That is the only question that has been raised, I think.

The contention was that a vote of "present" had some effect in either aiding or preventing the election of a United States Senator. There is no question but what Senator Stephenson received a large majority of the quorum voting. Our contention is, and I take it it is only necessary to state it very briefly, that a vote of "present" was not a vote at all. It was simply a blank. The statute provides that each member of the two bodies shall name one person for Senator, and we say that when a member of the Wisconsin senate simply voted "present" he did not name any person, and, therefore, did not take any part in the election. They, however, put a different construction upon it. The presiding officer on the 27th of January, 1909, when the journals of the two houses were read, declined to recognize the fact that a majority of the votes cast had been cast for Senator Stephenson, and so the Wisconsin Legislature continued to vote in joint convention until the 4th of March, 1909.

Without stopping to elaborate this legal proposition, which is fully covered in our brief, I shall simply say that a formal protest was

made in each joint convention, calling the attention of the body to the fact that the Senator had been elected on the 26th of January, 1909. I shall not stop to discuss the proposition of whether or not the failure of the presiding officer in the joint convention to declare the result in any way affected the result, because the result had been reached before it reached him to be declared.

Senator SUTHERLAND. Mr. Littlefield, may I interrupt you right there?

Mr. LITTLEFIELD. Certainly.

Senator SUTHERLAND. The proposition which has been in my mind about the matter is this: Let us take it for granted that Senator Stephenson was elected on the 26th of January. He did not present to the Senate of the United States a certificate of that election, but later along he was elected and a certificate of that later election was presented to the Senate, and upon that certificate he was admitted, and it is upon that certificate that the inquiry is made?

Mr. LITTLEFIELD. That is quite true.

Senator SUTHERLAND. What good purpose is served by our going back and inquiring into what is claimed to be a preceding election?

Mr. LITTLEFIELD. Perhaps no useful purpose, unless it should appear that there was some infirmity in connection with the election on March 4, 1909. I would like to say this, and I trust the committee will appreciate my professional feeling in the matter: I should very much regret to have a brief go on file in connection with a matter of this magnitude and importance that did not disclose that I had what I look upon as a reasonable comprehension of the legal considerations involved in the whole matter from beginning to end. The particular point to which I am adverting now is not a material point. I would not like to have this record go, however, so far as we are concerned in this discussion, without calling attention to what I have not the slightest doubt was the legal result of the vote on January 26, 1909. Of course, the reason why Senator Stephenson did not present any certificate of the result of the vote on January 26, 1909, was because the proper officers would not make the certificates. He could have procured a certified copy of the records of the two bodies acting separately, it is true, but that he did not do. The only significance this has in connection with the case is that if the election took place then it is not necessary for us to consider what occurred on March 4, 1909.

But, Mr. Chairman, I pass on from that to March 4, 1909, for the reason that there is nothing in connection with the election of March 4, 1909, that in the slightest degree embarrasses or impairs the Senator's title, which, according to our contention, he had by indefeasible right, as a result of the election on January 26. The only difficulty that has been suggested about the election on March 4, 1909, is this: It turns out that three Democratic senators absented themselves from the joint convention, the result of which was that the Senator received a majority of the votes cast in the joint convention. There were 123 votes finally cast. If there had been 3 more votes, there would have been 126. Sixty-three, of course, would not be a majority of 126, because it is just exactly one-half of that number. The Senator had just 63 votes, which would have been just exactly one-half. There were, however, 3 absent—Mr. Ramsey,

Mr. Farrell, and Mr. Towne. Mr. Ramsey had a pair with a gentleman named Fenelon. The subcommittee very thoroughly investigated the whole situation. There was not anything on the record that indicated that there was anything improper about that pair. While it is quite true that we did not succeed in discovering any rule that had been adopted by the joint convention or the legislature that gave any efficacy to pairs, it is also true that pairs had been frequently made during this period while the joint conventions were being held and were recognized as valid and were acted upon and treated as proper. If Mr. Ramsey only had been absent, there would have been only 125 persons present, and the Senator would then have had a clear majority of the 125.

Senator LEA. How long had Mr. Ramsey been paired with Mr. Fenelon?

Mr. LITTLEFIELD. On the very day of the election.

Senator LEA. That was his first pair?

Mr. LITTLEFIELD. Yes.

Senator LEA. How long had Mr. Fenelon been absent?

Mr. LITTLEFIELD. Oh, some weeks. Mr. Fenelon was ill. The pair was negotiated through Mr. Ramsey and a representative of Mr. Fenelon. The record discloses the affidavit of the man who negotiated the pair and the affidavit of Mr. Fenelon. Mr. Ramsey is dead, but his testimony in the former hearing is in the record.

Senator LEA. Had Mr. Fenelon been paired with anyone before?

Mr. LITTLEFIELD. I am not quite certain about that. You mean on the election of the United States Senator?

Senator LEA. Yes.

Mr. LITTLEFIELD. I do not think the record discloses anything about that.

Senator FLETCHER. Was Mr. Fenelon a Republican?

Mr. LITTLEFIELD. Yes; Mr. Fenelon was present during part of the voting, and voted several times for Senator Stephenson and was a supporter of Senator Stephenson. That one vote would, of course, have left the vote 125 if the other two Democrats were present. I hope the members of the subcommittee will pardon me for saying that I think that the subcommittee in connection with not only the senatorial election but the primary election, to which I shall hereafter advert, conducted a most exhaustive, thorough, energetic, and vigorous investigation. I never have known a committee sitting anywhere upon any subject matter that pursued with such thoroughness and vigor, and I may say zeal, every line of inquiry that was suggested in connection with any of these propositions. There was not a rumor even in connection with the election by the legislature or in connection with the investigation of the primary that came to the notice or attention of the committee that it did not with great energy and vigor search down to the very last analysis. So that the record I think discloses everything that is in existence and that is possible to be disclosed, bearing on any of these questions. Mr. Farrell and Mr. Towne were both witnesses. Mr. Towne did not make quite as good an appearance as Mr. Farrell, but there is not a thing in this record by way of affirmative testimony that gives rise to any suspicion that there was any improper conduct on the part of anybody in connection with the absents of Mr. Farrell and Mr. Towne from that joint convention on that morning.

That disposes, we submit, of the election on March 4, 1909. The undoubtedly valid, honest pair of Mr. Ramsey takes care of the whole situation; but we go further than that, and the committee went further.

Senator FLETCHER. What, in a general way, were their excuses for being absent?

Mr. LITTLEFIELD. Mr. Farrell's excuse was that he had stood around the joint convention about as long as he felt it necessary to stand around, and that it was being prolonged unnecessarily, not for the purpose of benefiting the Democratic Party, but for the purpose of carrying on a controversy between the members of the Republican Party. Mr. Towne in a general way took a good deal the same view. These members had been drifting back and forth, part of the time in and part of the time out of the joint convention. Mr. Farrell and Mr. Towne had been both in and out of the convention, and it happened on this particular day that they were both out, and the election took place.

Senator JONES. Were they paired?

Mr. LITTLEFIELD. No; they were not. I want to go further and say in the stress of the investigation before the legislative committee the absence of these three Democrats was very vigorously commented upon. They were somewhat vigorously criticized by some of their political brethren. The only prosecution that has ever taken place in connection with this whole controversy from beginning to end was the indictment and conviction for perjury of a man who undertook to fix upon some gentlemen who had formerly represented Senator Stephenson the responsibility for the absence of these three men on this occasion. This man was indicated and tried and convicted. There was no question but that he had committed perjury, and when we came to look the record over and see the man, it was quite obvious that the man hardly knew what he was testifying about. It was an extraordinary story. The record here does not disclose the full story. The record before the legislative investigating committee does. The story was so improbable and so grossly unreasonable that there was practically no question about the result when he was indicted for perjury.

The committee should bear in mind in connection with this investigation that all of these facts were disclosed in 1909. Two years had transpired after the facts had become public, and not a witness was produced who undertook to either intimate or suggest that either Mr. Towne or Mr. Farrell had at any time made any statements, even, that were inconsistent with their perfect honesty of purpose so far as they were concerned in connection with their absence that morning.

That practically covers the situation in relation to the election on March 4, 1909, unless some member of the committee has some suggestions that he would like to make or some inquiry in relation to it. I hope every Senator will feel that I am in no sense embarrassed by any suggestion he will make. I will be only too glad if anything lies in the mind of a Senator to have him call my attention to it as I go along.

Senator LEA. Was there shown to be any agreement or concert of action in regard to their absence, as between Mr. Farrell and Mr. Towne?

Mr. LITTLEFIELD. Not the slightest. There is not a word that indicates that Mr. Towne knew Mr. Farrell was going out or that Mr. Farrell knew that Mr. Towne had been going out.

Senator GAMBLE. How frequently had they been absent when the votes were cast?

Mr. LITTLEFIELD. Several times. Perhaps three or four, or more.

Senator KERN. The Democrats had been acting in concert, had they not, up to that time; going out sometimes when necessary to break a quorum?

Mr. LITTLEFIELD. Yes.

Senator KERN. And came in when necessary to——

Mr. LITTLEFIELD. Yes; to prevent the election. That is true.

Senator KERN. And these men had been acting with their party up to that time in going out and coming in as occasion required?

Mr. LITTLEFIELD. Very largely. Mr. Farrell, according to his testimony, had become more or less restless under what he called the Democratic leadership.

Senator KERN. And it is true that one of these men, whose name I forget, was out in an adjoining room with some Republican?

Mr. LITTLEFIELD. Yes; with Mr. Wayland. Mr. Wayland was in an adjoining room talking with him while the election was going on.

Senator KERN. Mr. Wayland's testimony seems to bear the interpretation that he had taken Towne out there for the purpose of keeping him away from the election.

Mr. LITTLEFIELD. It is very possible that construction might be placed upon it, but there is not a thing in Mr. Wayland's testimony or in Mr. Towne's testimony that shows any improper influence used by Mr. Wayland. I suppose it was perfectly proper for Mr. Wayland, if he saw fit, to urge Mr. Towne or ask him to step out. That is, if he wanted to do that for the purpose of influencing the result and Mr. Towne saw fit to do it; that would be a matter of which we could not legitimately complain.

Senator KERN. I am not commenting upon it.

Mr. LITTLEFIELD. No; I understand.

Senator FLETCHER. How many Democrats and how many Republicans voted on the joint ballot?

Mr. LITTLEFIELD. The total joint ballot would be 133. How many Democrats were there in the joint convention, Mr. Black? I have not the figures right here, but, roughly speaking, I should say from 25 to 30.

Senator FLETCHER. All told in the joint ballot?

Mr. LITTLEFIELD. Yes.

Senator KERN. In the legislature?

Mr. LITTLEFIELD. Yes.

Senator KERN. There were some members of a third party, were there not?

Mr. LITTLEFIELD. There is a good deal of difference of opinion out there, Senator, as to just what the parties are.

Senator KERN. Were there some Socialists there?

Mr. LITTLEFIELD. Very few. There may have been half a dozen. Mr. Black says that there were four.

Senator KERN. I understand that there were forty odd.

Mr. LITTLEFIELD. No; without getting the figures accurate, there were some 25 or 30 Democrats and 4 socialists. Of course, you

will see in a moment, from a political standpoint, that it was a physical impossibility for the Democrats to have elected a Democratic Senator, except by a combination with the Republicans, who were there supporting or opposing the election of Senator Stephenson. That, I think, was one of the reasons given by Mr. Farrell and Mr. Towne in a general way. I am not undertaking to state specifically their reasons, but they become dissatisfied; they had waited long enough, and this delay had been going on, and they finally concluded that so far as they were concerned they did not take very much interest in it. Mr. Wayland was talking with Mr. Towne while the vote was going on, and very likely was persuading Mr. Towne, or using his influence with Mr. Towne—although the record does not disclose that—but it was not an improper influence. There is no question but that he had a perfect right to ask him or advise him to step out, if he wanted to. But I think the committee will examine the record in vain, if you look for anything of a corrupt or improper character operating upon either of these men.

Senator GAMBLE. There were 123 votes cast?

Mr. LITTLEFIELD. Yes.

Senator GAMBLE. Had these three absentees been present, it would have made 126?

Mr. LITTLEFIELD. Yes.

Senator GAMBLE. The total membership was 133?

Mr. LITTLEFIELD. Yes.

Senator GAMBLE. Where were the other seven?

Mr. LITTLEFIELD. They are all accounted for in the record.

Senator GAMBLE. By pairs?

Mr. LITTLEFIELD. The other seven. There were three pairs. That is all disclosed in detail in the record. We took great pains to go over it fully. One pair was made, for instance—

Senator GAMBLE. You need not go into details.

Mr. LITTLEFIELD. I want to give an illustration of the circumstances under which one pair was made, and if it had not been made, there would not have been the slightest question about this election. One of Senator Stephenson's supporters, who had been his friend in the primary campaign, and his lifelong friend, and was his friend all through the election, was caught by a gentleman who had been voting against Senator Stephenson when that gentleman had his gripsack packed and was on his way to the train. The night before this gentleman had told Mr. James, who was the man, that he had to go away on account of sickness in his family, and he wanted to get a pair, if possible. Mr. James, without consulting with the friends of Senator Stephenson to ascertain whether it would disturb the arrangements, personally agreed to make the pair, and did make it, and the other gentleman went away on the train. He would have gone away in any event. All Mr. James would have had to do would be to decline to make the pair, and he would have been present, and there would have been no question about the result. When they got around on the fourth they discovered, when they made a poll of the members, that Mr. James had made this pair. Nobody made any complaint about it. Mr. James stood by the pair, and of course so far as the result was concerned the other side got the benefit of the adverse vote, with the absent man. As I said, six other men were also paired, so that they are fully accounted for.

I shall not delay further on that unless some Senator has some inquiry he would like to make in relation to the details. I will be very glad to do this, if there is any question about the record that should be cleared up, or if there is anything that any Senator is disturbed about, if I do not cover it fully in the oral argument, namely, to afterwards examine the record with care and make such written suggestions later on as may be necessary.

The Senator is very anxious, and we as his counsel are very anxious, that when we conclude the whole committee shall be satisfied that there is no flaw in the title of the Senator to his seat.

I come now, if the committee please, and this will be found on page 11 and subsequent pages in the brief, to the expenditures in the primary election.

As a matter of law we feel bound, although the exigencies of the case do not require it, to raise what I look upon as a very important fundamental legal and constitutional proposition, and that is this: We say that the United States Senate has no power to investigate the proceedings in a primary campaign which results in the nomination of a United States Senator. Why do we say that? Because the Constitution provides that the legislature shall elect United States Senators. I am fully aware of the fact of the general feeling that prevails of the desirability of transferring the right of election from the legislature to the people. I do not propose to discuss the question as to whether it is wise or unwise. I simply call attention to the fact that, as the Constitution now stands, the United States Senator is elected by the legislature. If it were possible by a primary campaign and the selection of a candidate therein in any way to impair or detract from the power of the legislature to elect such candidate as it saw fit, then you would have practically, by the action of a State legislature, an amendment to the Constitution of the United States. If there is any legal and constitutional connection between the nomination of a candidate in the primary and the subsequent election by the legislature, then by an act of the legislature you have succeeded in imposing upon the power of the legislature and its rights a condition that restrains it in the unlimited exercise of its power.

Our proposition is that neither the State nor the Federal Government can pass any law that will in any way impair, in the slightest degree, the power or detract from the responsibility of the legislature in electing a United States Senator. The legislature must assume the responsibility, because it exercises the power. The legislature can elect a man who is not voted for in the primary; and if the legislature of Wisconsin could say that whoever receives in the primary a plurality of the votes cast is the candidate to be voted for by the legislature, and that no other candidate is to be voted for, why then you have distinctly limited the power of the legislature.

So that, from any point of view, it is extremely clear to my mind as a legal and constitutional proposition that the United States Senate has no power to inquire into what is done in the primary, for the reason that it has no legal connection with the election. At the outside it is simply advisory or suggestive. It is a method provided by virtue of which the people may express a preference. When it is expressed, that is all there is of it. I am not making any criticism of the method. I am not saying that it may not be proper for the States to make that provision. It does not get anywhere. It does

not accomplish anything. It does not compel anything. It does not affect the result. It simply advises the members of the legislature of what they may assume are the wishes of their constituents, and in that sense it may be a controlling influence in determining what they may subsequently do.

Senator KERN. In that connection, let me ask you, suppose a very rich man should put money into the campaign for the election of State legislators and, to use a common expression, buy the election of a majority of the members of the legislature, who would therefore support him. What effect would that have upon the fairness or legality of his election?

Mr. LITTLEFIELD. If any man puts money into the campaign for the purpose of buying the election, in the sense of electing members of the legislature improperly in his interest, there is not the slightest question but that the Senate could investigate that proposition and ascertain what the facts were; and if it was disclosed that any candidate, by the use of large sums of money or any other kind of influence, had produced such a result in the election of members of the legislature in his interest as to tincture it with corruption, there is no question but that it would invalidate his title, and I am very glad to have the opportunity to make that suggestion; but that is not the case of a primary. The primary quo ad the nomination of a United States Senator has no connection whatever with the nomination of candidates for the legislature, either in the State assembly or in the State senate. It has no connection with the nomination of any other officer. It is simply from that point of view that I discuss it.

Senator KERN. Were the members of the legislature nominated at the same primary election at which the primary vote for Senator was cast?

Mr. LITTLEFIELD. Yes, and there was some criticism in relation to three of those members, in the particular instances to which I will now advert. There were three men as to whom some criticism was made, and I want to state this with perfect frankness. Those three were Mr. Bancroft, Mr. Wellensgard, and Mr. Reynolds. They were all three supporters of Senator Stephenson and had been for a long time. Now it turns out that these three men, who were also candidates for the nomination for members of the legislature, did receive from the campaign managers small sums. All of them were witnesses before the subcommittee. They all testified that the money they received was not used in promoting their own campaign, but was used in the interest of the Senator's campaign. Mr. Bancroft was subsequently elected speaker of the house of representatives, and has since been elected and now is attorney general of the State of Wisconsin.

Senator KERN. Did they explain how they could use the money for Senator Stephenson among the electors, either under the guise of having workers at the polls or otherwise, without aiding their own candidacy?

Mr. LITTLEFIELD. Yes. Mr. Bancroft made a complete and absolute explanation of that so far as he was concerned, because it appeared very clearly that what he did with the sums intrusted to him was to put the money into the hands of people who were to act in Senator Stephenson's interest alone. The explanation made by Mr. Wellensgard and Mr. Reynolds is not quite so clear.

Senator KERN. Would those people into whose hands Bancroft had put Stephenson's money be likely to oppose his candidacy after having received a favor from his hands?

Mr. LITTLEFIELD. No; probably not.

Senator JONES. Were they friends of Mr. Bancroft before he put money into their hands?

Mr. LITTLEFIELD. Oh, yes.

Senator JONES. They were friends of Mr. Bancroft before he put any Stephenson money into their hands?

Mr. LITTLEFIELD. Oh, yes. Mr. Reynolds was an Irishman, and a rather interesting witness. He was not quite as clear as might have been expected or hoped, in his statement on the record; but all of these three gentlemen in substance stated that the money that they passed into the hands of these various men for use was in the first instance placed in the hands of men who were friendly to the Senator before the money was placed in their hands; and the question as to whether they were supporters of the three candidates for the legislature was not a question that was raised by either Mr. Bancroft, Mr. Wellensgard, or Mr. Reynolds when the money was disbursed by them. They were small sums. Mr. Bancroft received about \$250.

Senator KERN. Small for that campaign?

Mr. LITTLEFIELD. The Senator's memory about these details is better than mine. The money handed to Reynolds was largely expended by him in procuring the signatures to the nomination papers for the Senator.

Senator KENYON. Were they candidates for the legislature at the time the money was placed in their hands?

Mr. LITTLEFIELD. Yes; they were.

Senator KENYON. I thought one of them stated that he had not decided to be a candidate?

Mr. LITTLEFIELD. I do not know but Mr. Reynolds stated that at that particular time he had not made up his mind to be a candidate.

Senator HEYBURN. There was one man who was not nominated.

Senator KENYON. He received the money before.

Senator HEYBURN. He received the money during his contest. He was already a supporter of Mr. Stephenson, but he was not nominated.

Senator KENYON. Did these three men who received this money vote for Senator Stephenson on the balloting in the legislature?

Mr. LITTLEFIELD. Yes. You mean on the final ballot?

Senator KENYON. Yes.

Mr. LITTLEFIELD. Yes; and I think on every ballot. I think they all three were members when the Senator received his first election for the short term; and if they were members at that time, all three voted for the Senator at that time. The evidence is uncontradicted and absolutely unimpeached upon the proposition that all three of these men had been for years friends of the Senator, so that there is no opportunity for the suggestion or inference that money placed in their hands to use for the Senator had any effect, either directly or indirectly, in changing their attitude in connection with the Senator's election.

Senator LEA. I understand the men to whom they distributed this money were already friends of the legislative candidates.

Mr. LITTLEFIELD. Yes. I will reach that a little later. I do not go so far as to say that every witness who was examined by the subcommittee was asked the specific question as to whether the people

into whose hands he placed money were, at the time that the money was placed in their hands, friends of the Senator. I want to be frank about this. I have not read this record through during the last few weeks. I know that every witness whose attention was directed to that fact testified without any hesitation that no money was placed by him in the hands of what would be termed a poll worker, or a man who was to do the detail work, except in the first instance it was ascertained he was a friend of the Senator. So far as their attention was directed to that point, all the witnesses so testified, both in their oral examinations and in the affidavits which we have submitted. And every witness who had the disbursing of funds on behalf of the Senator testified that no money was expended, either directly or indirectly, for the purpose of improperly influencing or corruptly influencing voters in the campaign. I think that covers the idea that you had in your mind. As to these three particular men, I do not suppose the Senator had, or had had for years, warmer friends or more active political supporters than Mr. Bancroft, Mr. Wellensgard, and Mr. Reynolds. He would rely upon their support under all circumstances, and always had, in all of his political campaigns during the last few years.

Senator JONES. Suppose, for the sake of argument, it should appear, and the committee should find, that Senator Stephenson secured the preference choice at the primaries by corrupt methods, and then suppose it should appear that several members of the legislature voted for him simply because he secured that preference vote. Would that situation have any effect upon this question?

Mr. LITTLEFIELD. As a legal proposition?

Senator JONES. Yes.

Mr. LITTLEFIELD. In my judgment, not the slightest; because, in my judgment, you have got to establish the relation of cause and effect between the primary and the subsequent election.

Senator JONES. That is what I want to hear you on, whether that would not establish that relation.

Mr. LITTLEFIELD. No; I do not think so.

Senator JONES. If we should find that he secured the preference choice by corrupt methods, and that by reason of having that preference choice some members of the legislature voted for him simply because he got it, would not that establish the relation of cause and effect, because they took it into consideration in determining it?

Mr. LITTLEFIELD. My answer to that is this: I do not think you can have a corrupt vote in the election of a United States Senator except by the concurrence of two factors which make up the equation.

First. There must be a corrupt influence proceeding from the Senator or some one who represents him and for whose acts he is responsible.

Second. There must be a submission to the corrupt influence and a participation therein by the party who is undertaken to be influenced under such circumstances. Do I make myself clear? Two factors are essential to producing the result of a corrupt vote: First, corrupt influence; second, submission to and participation in the corrupt influence. Otherwise you can not have a corrupt vote. It is unthinkable, it is inconceivable, that an honest, uninfluenced, upright legislator can cast a corrupt vote. If you get the result of a corrupt vote, you must have it as the effect of corrupt influence yielded to, and the vote cast as the result thereof.

Now you do not get that relation of cause and effect, for this reason. Let us assume that your primary result is corrupt, and let us assume also that it is simply advisory and in the nature of a petition, and that the legislature, assuming that that was the choice of the people, cast the vote in accordance therewith. Assuming that state of facts, it would be necessary then to indict the full legislature as being corrupt because first you have the corrupt influence in the primary. If you have such submission to it and participation therein as results in a corrupt vote by them, why then you indict your full legislature as participating in the preliminary corruption and fraud. Now that is an absurd proposition. But the very absurdity of it demonstrates the fact that there is no relation between the two in the matter of cause and effect.

Senator LEA. Do you insist that the corrupt influence must be used upon a member of the legislature?

Mr. LITTLEFIELD. Yes. I think the corrupt influence must be used on a member of the legislature, so that he casts his vote as the result of the corrupt influence. Otherwise you do not get any relation of the corrupt influence through the vote.

Senator LEA. Suppose a member of the legislature says, "I am in doubt as to how I shall vote on the question of the election of Senators, and I will hold a primary of my own in the district which I represent, and I will vote for whoever is the popular choice of that district." Now suppose one of the candidates for Senator should admittedly corruptly influence the vote in that district. Would you regard him as obtaining that vote by fraud or corruption, or not?

Mr. LITTLEFIELD. Do you mean the Senator?

Senator LEA. The Senator who receives that one vote.

Mr. LITTLEFIELD. I think in order to get the result of corruption, you would have to get intelligent participation on the part of the man who throws the vote. Otherwise you do not get the relation of cause and effect.

Senator LEA. Then, in the suppositious case I give, the man knows nothing of the corruption?

Mr. LITTLEFIELD. I do not think in that case you would get the element of corruption in that vote. We must bear in mind all the while that the result of the primary produced no legal result.

Senator FLETCHER. That argument leads to this, that if Congress undertakes to deal with primaries, by requiring a statement of expenditures and all that sort of thing in connection with primaries as affecting the election of United States Senators, it is going beyond the power of Congress.

Mr. LITTLEFIELD. I am not certain but that it is. I have no hesitation in stating this broad legal proposition. In my judgment it is not competent for either a State or the Federal Legislature, by any legislation, to impair in any way the power or detract from the responsibility of the State legislature in electing Senators. It does not make any difference what kind of legislation you pass, it does not make any difference what it relates to, you can not, either directly or indirectly, amend the Constitution of the United States by an act of the Federal Legislature. No matter what may be done in connection with the primary, no matter what suggestion may be made, no matter what scheme may be invented for the purpose of getting advice from the

voters, when you get through it is only advice, and it is going a very long way to say that we can inquire into the motives that inspire advice or that produce suggestions. There never was any legal rule yet adopted in the investigation of an election of a Member of the House of Representatives or Senate that went so far as to undertake to say that you could investigate as to the motives and purposes of a man who gave advice. The crucial point is, where is the connection with the vote thrown? Is that corrupt?

Senator LEA. I do not want to take up your time, but this is the most important point in the whole investigation.

Mr. LITTLEFIELD. I am very glad.

Senator LEA. In reply to the questions I put to you I understood you to say that there was no corruption, because the member who cast the vote was not a party to it.

Mr. LITTLEFIELD. Yes.

Senator LEA. Although in the case I put, the candidate who afterwards became Senator had a corrupt intention and did overt, corrupt acts in pursuance of that intention. Is that correct?

Mr. LITTLEFIELD. Yes.

Senator LEA. Do you go so far as to say that a candidate for United States Senator, no matter whether he has a corrupt intention and does overt acts in pursuance of that intention or not, and accomplishes his purpose, is not chargeable with corruption unless a member of the legislature on whom he is working is cognizant of that corruption and a party to it?

Mr. LITTLEFIELD. Yes. I do not think you get the equation of a corrupt vote without the concurrence of the two factors which make up the equation. Bear this in mind. I do not go so far in this discussion as to say that I give my approval to any conduct of that sort in connection with a primary campaign.

Senator LEA. We understand that fully. We are merely discussing the legal phase of it.

Mr. LITTLEFIELD. Yes.

Senator LEA. Not referring at all now to the facts in this case, suppose Senator Stephenson had corrupted some election officers at the polls, and had gotten them to give fraudulent election certificates to a candidate for the legislature who was friendly to him, and that candidate knew nothing of him and was in nowise connected with it, but nevertheless went to the legislature under that certificate and voted for Senator Stephenson. Would that have been a corrupt vote?

Mr. LITTLEFIELD. Yes, because then we depart altogether from the primary. That suggestion is predicated upon the election of members of the legislature. I agree with you entirely on that.

Senator LEA. Still, we have a case in which there was no participation in the corruption by a member of the legislature.

Mr. LITTLEFIELD. Yes; but you have a fraudulent act performed by the Senator himself that produced the illegal result. The supposition you make now is predicated upon a member of the legislature. I do not believe that a Senator could corruptly produce the election of a member, although the member himself might not know that the result was brought about corruptly, without being affected by responsibility for the result.

Senator LEA. I can not quite see the distinction between corruptly promoting the election of a member of the legislature, who on account of that election cast his vote, and corruptly procuring instructions to a member of the legislature by virtue of which instructions he cast his vote.

Mr. LITTLEFIELD. The difference is this, that the corrupt act would not be directed to a member of the legislature at all.

Senator LEA. It would affect the instructions received by a member of the legislature?

Mr. LITTLEFIELD. Yes; but that instruction does not control him at all.

Senator LEA. Suppose he states that it is controlling?

Mr. LITTLEFIELD. If he states that it is controlling, and if he understands that the instruction was corruptly obtained, and puts it upon the basis that he is willing to participate in the corrupt influence.

Senator LEA. In the cases I put there was no knowledge of corruption on the part of the member of the legislature.

Mr. LITTLEFIELD. I think you fail thus to get the legal connection. There is no question but what you make a legal connection when you predicate it upon the election of a member of the legislature himself who is to cast the vote, because in that case the Senator who is to get the benefit of the vote participates unlawfully in the result that puts into the legislature a man who votes for him under circumstances where otherwise he would not get the vote. In the last supposition, of course, the influence of the Senator affects directly the election of the member who afterwards votes for the Senator.

Senator LEA. Were there not several members of the legislature who stated that they voted for Senator Stephenson solely as the result of the instructions of the primary?

Mr. LITTLEFIELD. Yes.

Senator LEA. And yet you insist that the Senate can not investigate as to whether that instruction which was the sole motive for their vote was corruptly obtained or not?

Mr. LITTLEFIELD. Yes; I do not have any doubt about it.

Senator KENYON. May I ask you one question there?

Mr. LITTLEFIELD. Yes.

Senator KENYON. The primary in Wisconsin is accepted by the candidate as one of the means of indicating by the people who shall be Senator. He recognizes that when he goes into the primary. The legislature, to a certain extent, recognizes that also as a part of the means of the election of a Senator. Now, having gone into that primary and recognized that as part of the procedure under which a Senator is elected, suppose that primary is entirely corrupt and he corrupts it. I do not mean this instance.

Mr. LITTLEFIELD. I understand. This is for the purpose of reasoning, or suggestion.

Senator KENYON. Yes. Suppose he corrupts that primary, and the members of the legislature, in a way, abide by that primary. Not every man, but a substantial number or some of them said they voted for him only because of the primary. Can the candidate who has submitted himself to that primary and who has corrupted the primary afterwards say, "You can not inquire into the primary"?

Mr. LITTLEFIELD. In my judgment, the candidate can simply rest upon the legal proposition as to whether or not the result that has been obtained has any necessary or legitimate legal connection with the subsequent results.

Senator KENYON. There is no estoppel on his part?

Mr. LITTLEFIELD. No. If you assume that the proposition of estoppel applies, you create another legal proposition. Now, take a State convention, independent of the primary. In my judgment it is just as competent for the legislature to investigate the proceedings in connection with a delegate convention that expresses a preference for United States Senator as it is to investigate the proceedings of a primary.

Senator KENYON. Suppose the State had passed a law that that should be done—that a delegate convention should express their choice for Senator. Would not that present precisely the same question?

Mr. LITTLEFIELD. Yes; precisely the same question.

Senator KENYON. If the candidate goes in and corrupts the delegates, and gets their expression, and the legislature abides by that expression, can he say, "You can not investigate that"?

Mr. LITTLEFIELD. Yes, I think we can, because when he comes here with his certificate of election, what is it? Is it a certificate that he has been nominated somewhere, or that he has been indorsed by a State convention? It is a certificate that he has been elected by the legislature. I submit this fundamental legal proposition: If the legislature has been influenced by corrupt motives or by corrupt influences, and has therefore corruptly cast a vote, then I grant you, you have your conclusion, but you indict the whole legislature when you reach that conclusion.

Now let me carry that a little bit further. The Constitution makes the two Houses the judges of the election of their Members: I should like to ask of the lawyers on this committee what legal connection has the primary with the election?

Senator OLIVER. It seems to me that under the constitutional provision that the Senate shall be the judge of the election or qualification of its own Members, we are not strictly limited to the legal proposition. And while I regard your proposition as irresistible and unanswerable in the legal sense, still if the State legislature provides for a primary, and a candidate for Senator is found upon competent evidence to be guilty of gross corruption in connection with the primary, I am not, as a Senator, going to sustain that, I do not care what the legal proposition is.

Mr. LITTLEFIELD. Fortunately for us we do not——

Senator OLIVER. I think you had better go at the proposition whether there was corruption in the primary.

Senator GAMBLE. As you state, the primary is purely advisory to the legislature?

Mr. LITTLEFIELD. Yes.

Senator GAMBLE. And not binding in any sense. Now, here are these three or four candidates who submitted their claims to the electorate of the State, and that was purely advisory. Supposing, on the other hand, there had been no primary in this election; that instead of submitting it to the electors, as has generally been the rule in most of the States after the election of the legislature, the Repub-

lican membership of the two houses got together in the caucus on the Senatorship. That caucus would simply be advisory, the same as the primary.

Mr. LITTLEFIELD. Precisely.

Senator GAMBLE. Suppose that one of the candidates in the senatorial caucus of the legislature, or others in his behalf, should corrupt certain members of that legislature, and as a result of that should get the nomination. Would not that have some controlling force? As I recall it, in the Paine case in Ohio, the charges there were not that bribery was exercised in the direct election in the legislature, but that bribery was exercised in the legislative caucus, and the Senate, as I recall it, went into the truth of those charges as to the legislative caucus. That is my recollection of it.

Mr. LITTLEFIELD. When you come to a legislative caucus, consisting of the men who subsequently cast the votes, it is an extremely fine distinction to draw between the application of a corrupt influence upon the legislator who goes into a caucus as the result of a corrupt influence, and does something in the caucus, and subsequently follows it up by his action as a member of the legislature, and casts his vote in the legislature in line with the vote which he casts in the caucus. The distinction is pretty close there as to which act he did corruptly. When you undertake to draw a distinction so fine it is almost impossible to do so.

I have just a word or two more to say upon this, unless some member of the committee has a suggestion, and then I will proceed to the subject that Senator Oliver called my attention to.

Senator JONES. Can you tell how many members have testified before the committee that they cast their votes for Senator Stephenson because he had secured the preference vote at the primary?

Mr. LITTLEFIELD. There was not a single member who testified to that before the committee.

Senator JONES. I understood there was.

Mr. LITTLEFIELD. No. There were members who stated it on the floor of the joint convention, but there was no member of the legislature who stated before the committee that he cast his vote as the result of the nomination at the primaries.

Senator JONES. So there is nothing in this record to show that votes were secured in the legislature solely by reason of this preference primary vote?

Mr. LITTLEFIELD. No; although it is fair to say that the record of the two houses does show that there were some men who made a statement of that character either in the joint convention or in the sessions of the two bodies at some time during the voting.

Senator LEA. How many were there who made those statements?

Mr. LITTLEFIELD. Perhaps four or five.

Senator HEYBURN. It is only fair to say that the committee, by reference to the proceedings in the two houses, made them a part of the record of this hearing.

Mr. LITTLEFIELD. Yes; the Senator is right about that.

Senator POMERENE. That is a part of the record.

Senator HEYBURN. Yes.

Mr. LITTLEFIELD. No member appeared before the committee and testified to that.

Senator POMERENE. I think that is true.

Mr. LITTLEFIELD. There were, I think, four or five who stated that in the legislature. Now, I have just one concluding suggestion in reference to the investigation of the primary.

I stated to the committee that, in our judgment, the exigencies of this case did not require us, and we did not think it prudent or wise, representing Senator Stephenson, to undertake to rely upon what we believe to be our strict legal rights. We were advised by him, and the events have demonstrated the wisdom of his advice, that nothing had occurred in connection with this election that would in any way impair his right to a seat in the Senate, assuming that the Senate had a perfect right to investigate the primary. I will only call attention to this legal suggestion and leave it with the lawyers upon the committee, that if a witness declined to answer in connection with an inquiry concerning the primary he would be perfectly justified, and the Senate could not commit him for contempt. That would raise the straight legal proposition.

There is another phase to which I want to call attention in a moment, and that is this: If you establish the precedent that you are going to investigate primaries, you open a tremendously wide door for investigation. Nobody can tell how many votes cast in the primary might be considered votes which would invalidate the election, whether one or whether a majority. Inasmuch as this is the first case arising under a primary, it would be a matter of importance to people interested in this question to have the Senate establish, as a legal proposition, a wise and judicial precedent.

Now, let me proceed to the question of what took place in the primary. The first question I want to call attention to is this: Does any adverse presumption arise from the fact that Senator Stephenson expended in this campaign \$107,793.05? As to that, among other things, we endeavored to show to the committee at one time, for the purpose of showing that the sum was not so large upon its face that it gave rise to a presumption of improper and unlawful expenditure, what it would cost to carry on a primary campaign. The committee declined to receive that evidence, upon the ground that a presumption of the character I suggested did not arise at all. Independently of that question, I want to call the attention of Senators to what this record discloses upon this branch of the case.

Senator HEYBURN. I should like to correct that statement. It was not upon that ground solely, but upon the ground that we already had testimony before us covering the cost of the campaign, and it was not necessary to go into the figures as to what a campaign might cost. That was the ground upon which the committee declined to hear experts upon that question.

Mr. LITTLEFIELD. The committee understand that I make no complaint of the subcommittee upon that ground.

What were the conditions that confronted Senator Stephenson in this campaign? There are about 662,000 votes in Wisconsin. If the proportion obtains throughout that whole vote which is indicated in 1908, there were about 400,000 Republican votes. Those votes were distributed over an area of about 56,040 square miles, or within 10,400 of the same number of square miles as are contained in the eight New England States. They were in 71 counties, in 2,200 election precincts. Now, Senator Stephenson received in the primary election 56,839 votes, Mr. Cook 47,825 votes, Mr. McGovern 42,631

votes, and Mr. Hatton 35,552 votes, a total of 182,847 votes. The highest vote thrown in that election was 190,158 votes, thrown for the sheriffs, or 7,311 more votes than were thrown for candidates for United States Senator. In other words, notwithstanding a vigorous campaign, there were 7,311 Republicans who either did not know that these men were candidates, or if they knew, did not care anything about it and did not express any preference.

Senator Stephenson's expenses were \$107,793, Mr. Cook's expenses were \$42,293, Mr. Hatton's \$30,258, Mr. McGovern's \$11,063, making a total of \$191,408.

Now, in order that you may adequately appreciate the conditions that existed in Wisconsin in 1908, I want to call your attention to the fact that the four senatorial candidates were not the only candidates in this primary. There were numerous candidates for 11 Members of Congress, and those candidates expended \$50,417.79. There were numerous candidates for 100 assemblyships.

Senator KERN. How many Members of Congress were there?

Mr. LITTLEFIELD. Eleven. I do not remember how many candidates there were for the 11 places.

Senator KERN. There were numerous candidates for the 11 seats in Congress.

Mr. LITTLEFIELD. Yes.

Senator KERN. How many men were there who spent this \$50,000?

Mr. LITTLEFIELD. I can not state how many candidates there were for the place, but the total of them spent \$50,417.79. There were numerous candidates for the 100 assemblyships and 33 senatorships. There were candidates for governor, lieutenant governor, secretary of state, treasurer, attorney general, and insurance commissioner. There were candidates in 71 counties for sheriff, treasurer, clerk, district attorney, register of deeds, clerk of the court, coroner, and surveyor. There were at least 718 candidates in this primary besides the 4 senatorial candidates, and it is conservatively estimated that \$610,174.86 were expended by them, making a total expenditure of \$801,583, with the result of getting out at the election of 190,000 votes.

I want to give the members of the committee the basis of my information in my estimate. I have a memorandum furnished me by Mr. Phillips, of Milwaukee, who procured the statistics for 1910.

The Senators, of course, will bear in mind the fact that after this primary in 1908 there was a good deal of vigorous criticism upon the large amount of these expenditures, in my judgment perhaps fairly well occasioned by the size of the expenditures. So that the expenditures in 1910 had a conservative influence from the previous criticism of the expenditures in 1908.

The expenses reported by political committees in 1910 were \$176,633.67. The expenses reported by State and county candidates—

Senator POMERENE. Are you reading from your brief?

Mr. LITTLEFIELD. No; I am reading now from an analysis from which I reach this result, and I shall have to make a little change in my brief in this regard. I will make it on a little slip which will be put into the brief. In the brief I made the mistake of taking the total expenses and computing them with the Republican expenses. I am now giving the total expenses.

The expenses reported by State and county candidates were \$383,123.40. Taking those two sums and adding them to the sums expended by the senatorial candidates, we get the grand result of \$802,659.13, or practically \$3.48 per vote that came out in 1908. Of course the Senators understand I am not stating this to a dollar and cent, but I am giving an approximate estimate; and I am taking the figures for 1910 and assuming that they were practically duplicated in 1908. I want to go further, and say—and I should like to have the Senators bear this in mind—that notwithstanding these large expenditures, there is no suggestion throughout Wisconsin—and it ought to be said for the people in Wisconsin and for the public officers in Wisconsin that there is no claim throughout the State—that it has been or was in 1908 or 1910 honeycombed with corruption and fraud. No suggestion was made before the committee in its investigation, and I do not know that any public suggestion has been made, that the large expenditure necessarily resulted in the corruption of the electorate.

Since making this argument I have been informed that the Anti-Saloon League and the brewers took a part in the 1908 primary, expending, as estimated, \$150,000, not included in returns, a grand total of \$951,659.

But bear this in mind: Here were four candidates for the Senate. The Senator was confronted by three able, distinguished, and reputable citizens, one of whom had been in the campaign 15 months, another about a year, and another several months. The Senator started in his campaign about July 1, eight weeks before the election—the election being somewhere about the 1st of September—with the ground practically all covered.

Before I leave this branch of the case, about the expenses, I want to give you an illustration taken from what occurred in 1910.

The candidates for sheriff in Iron County expended, according to their returns, \$2,096. Those were the candidates for only one office. The vote thrown in 1908—and the probability is that the vote was less in 1910—was 1,485. In other words, the candidates for sheriff expended nearly \$2 per vote.

Senator KERN. How many were there?

Mr. LITTLEFIELD. There were candidates in all of the 71 counties, but there are no reports from the Democratic candidates for sheriff in 21 counties.

Senator KERN. I mean in the particular county to which you refer.

Mr. LITTLEFIELD. I do not know, Senator. I have not gone into the question in that detail; and whether there were only a Republican candidate and a Democratic candidate I do not know.

Senator HEYBURN. Have you, from the same source, the total expenditure by candidates in 1906? You have given us the figures for two campaigns—those of 1908 and 1910. Can you give us the figures of the campaign of 1906?

Mr. LITTLEFIELD. No; I have not those figures, Senator.

Senator HEYBURN. I simply wanted to know whether they ran about \$800,000 a campaign.

Mr. LITTLEFIELD. If the Senators are interested in knowing the total cost of this campaign, I will call attention to the fact that there is another item to be added. That is an item of \$85,945.10, which was what may be known as the public expense of the election;

that is, the county expense and the State expense of the primary election, paid from the public treasury.

Senator HEYBURN. Do you refer to both general and primary elections, or only to the primary election?

Mr. LITTLEFIELD. The primary election alone.

Senator KERN. That, you say, is paid out of the public treasury?

Mr. LITTLEFIELD. Yes; it is paid out of the Public Treasury. These figures make a grand aggregate, so far as we can get a conservative estimate, with a failure to get returns from 31 counties, of \$888,604. When I gave the returns for political committees in 1910 as aggregating \$176,633, that statement was predicated on an investigation that failed to get any returns from 31 out of the 71 counties; and I call attention to this fact so that the Senators may perceive that the estimate I have made is conservative.

So you have a total expense of that primary election of \$888,604, or nearly \$4 for every vote that came out in the election. If any Senator is interested in figuring a per capita, it is easy enough to see that there are plenty of other candidates that have expended money—and so far as I know, and so far as any complaint or assertion has been made, properly and lawfully expended it—at the rate of something like \$2 per vote.

I am going to call your attention in a moment to the circumstances under which that can be done. A little bit later I want to call your attention to the circumstances under which large expenses are necessarily incurred in connection with an election of this sort.

Senator KENYON. Would it be possible, under the new law passed by Congress, to get out any vote in Wisconsin?

Mr. LITTLEFIELD. I will tell you what they said out there before the subcommittee, Senator. The men who were experienced in politics said that an ordinary primary election in Wisconsin usually created no more interest and stirred up no more political disturbance than an ordinary caucus under the other system. How large a vote that will get out, I do not know. But here are the facts: Here is the vote that did come out. The total vote, by the way, was 230,291, instead of the sums I give on my brief. That is, the total Republican and Democratic vote in Wisconsin in the primary in 1908 was 230,291, with an approximate expense of something like \$802,000, or, adding the public expense, nearly \$900,000.

Senator FLETCHER. That is, 230,000 out of a total of 662,000?

Mr. LITTLEFIELD. Yes, sir; out of a total of 662,000. In other words, out of a possible vote of 662,000, there was a total vote in the primary of only 230,291.

Let me call your attention now to the political conditions that exist in Wisconsin. When I say that, I do not know whether they exist elsewhere or not; but as disclosed before the subcommittee what do you suppose the regular Republican organization consists of? Under the primary system it exists for no other purpose than to get out the vote on election day; and under the primary system it has no justification for existence except getting out the vote on election day.

I repeat, what do you suppose it consists of? There are 2,200 precincts, with three committeemen to a precinct—6,600 altogether. There is a county committeeman from every precinct, making 2,200 more; and there is a chairman and a secretary for every one of the

71 counties, making 142 more. Then there is a State central committee, superimposed upon the two other committees, consisting of two members from each congressional district, and a chairman and a secretary. How many do you suppose that makes? Eight thousand nine hundred and sixty-six. What does it exist for? Can anybody here think of any reason, except to get out the vote on election day? I do not know of any other reason for it, although I have had some experience in these matters.

Senator KERN. Why should it cost so much more for primary election expenses in Wisconsin than in other States? For instance, the State of Kentucky has recently had a primary election. That is a large State, equally as large as Wisconsin, with remote districts that are difficult of access. Why should a contest waged in one State be so excessive in expense, when a similar contest in another is conducted at small expense?

Mr. LITTLEFIELD. Senator, I am not sufficiently familiar with the conditions in Kentucky to express an intelligent opinion upon that point.

Senator KERN. Of course, there was only one senatorial candidate there; but I am using that simply as an illustration. I have never heard of a primary election in the United States that cost any such sum of money as this.

Mr. LITTLEFIELD. Neither have I.

Senator KERN. Take California, for instance.

Senator OLIVER. Perhaps the other States have not been so closely investigated as Mr. Littlefield has investigated Wisconsin.

Mr. LITTLEFIELD. Of course, I am not able, as the Senator can of course perceive, to make an intelligent comparison between Wisconsin and any other State with the conditions in which I am not familiar. But I am going to call your attention now in detail to the conditions that exist and that confront a candidate. In discussing this matter I am doing it from the standpoint as to whether or not the mere expenditure by the Senator of \$107,000 under these conditions raises a presumption of corruption and fraud on his part. That is the only point to which I am now addressing myself.

I hope to be able to show before I get through that the conditions are such that no such presumption can arise. In order to give rise to such a presumption, the sum must be so great and so excessive that under the circumstances any man would say that corruption and fraud were manifestly indicated by the size of the sum of money expended.

I have said the regular Republican organization consists of 8,966 people. I presume it is not necessary for me to stop and explain here that a party organization does not require great expense in conducting a campaign, for a great many obvious reasons. People often take positions on the committees because they enjoy the work, and often because they think it furnishes a line for political promotion, and gives them a little local distinction and standing in their communities; and therefore they are willing to take hold and carry on the campaign.

But you must bear in mind that if you are going to conduct a campaign and canvass 400,000 Republican voters in the interest of a candidate, you are up against an entirely different proposition from that which confronts the organization of 8,966 people. First,

they have what? Ordinarily, if they are performing their duties in any kind of sensible shape, they have a complete canvass of the State. They have a list of their voters. They have been over the ground again and again; and all they have to do is to see whether or not there are Republicans in the State who will be brought out and vote in the next campaign.

What does the candidate have to do? He is confronted with exactly the same number of Republican voters. He has not any list. I will say here that when the Senator started in this campaign, eight weeks before the primary election, he had not the name of a single voter that he could place upon a list to whom he could mail his literature. He had no lists of voters to whom he could send out representatives for the purpose of canvassing them and ascertaining their sentiments and feelings. He had not a man in his organization. He had no literature printed and ready for distribution. The whole thing had to be constructed from the ground floor up, and when he began he found, as perhaps was not unnatural under the circumstances, that a great many of his warmest friends had already enlisted with the other distinguished candidates, and that he could not get the assistance of a great many men who otherwise, in view of their past relations with him, undoubtedly would have been willing to assist him without charge or expense.

Senator KERN. Mr. Littlefield, is your foundation proposition exactly fair? Senator Stephenson has been in Wisconsin and lived in Wisconsin practically all his business life. He has been in politics quite a great deal and has been connected with the State organization. Would he not have warm personal friends in every part of Wisconsin who had earnest, conscientious convictions that he ought to be elected to the Senate and who would cooperate with him from the very start, without money, in procuring lists of voters and in doing work for him?

Mr. LITTLEFIELD. Yes, he ought to have had, and he did have. And if he had started his campaign as early as the other gentlemen started their campaigns he would have had, if the Senator pleases, the assistance of all those men. But the record discloses that his managers found, when they came to send out their literature and write their letters, that man after man that the Senator could have relied upon with perfect confidence to help in his campaign had pledged his support to one of the three other candidates. They were men of character and standing, and they would not change their front in the campaign. It ought to be said that Mr. Stephenson had no organization. He had contributed of his time and means to build organizations for others which not only were of no use, but were in the main adverse to him.

Senator LEA. These friends were going to the polls anyhow, were they not, to vote for one of the three other candidates?

Mr. LITTLEFIELD. Oh, yes. Those people were already enlisted; certainly.

Senator LEA. So, then, this money was not expended for the purpose of getting them to come to the polls, but for the purpose of changing their preferences?

Mr. LITTLEFIELD. No; not at all. Not a man that was pledged to another candidate was approached by any representative of Senator Stephenson. So far as his friends had already aligned themselves with other candidates they remained aligned; that is, so the record

discloses. There is not an instance in the record that shows that any man changed his front in the campaign as a result of efforts upon the part of Senator Stephenson, much less through the expenditure of any money by him.

Senator LEA. Was it the custom for all senatorial candidates to spend this amount in the primary elections? What was the amount spent in 1910 by Senator La Follette when he was elected?

Mr. LITTLEFIELD. There was not any particular contest in 1910.

Senator LEA. But they had to get out the vote?

Mr. LITTLEFIELD. Yes; they had to get out the vote, but there was no contest as between candidates. I believe the amount was about eighteen or twenty thousand dollars. Is not that right?

Mr. BLACK. Yes.

Mr. LITTLEFIELD. In that same election Mr. W. Mitchell Lewis was an unsuccessful candidate for governor, and he expended \$77,000, nearly all of which was for what would be called organizing expenses.

Senator LEA. What I was trying to get at was whether the money that was spent under the guise of organizing expenses was really expended for the purpose of getting out the vote, or for the purpose of changing men's preferences and getting them to be for this candidate or for that candidate.

Mr. LITTLEFIELD. If the Senator likes, I will go over now the things that had to be done in order to conduct an effective and thorough campaign.

A complete list of the Republican voters should be procured as a basis for canvassing and mailing literature. On account of the short time at his disposal, Mr. Stephenson was able to get only an incomplete list. A thorough canvass should be made of each of the 2,200 precincts to ascertain the sentiment as to candidates of the Republican voters in each precinct, aggregating 400,000 for the whole State.

The chairman of the subcommittee very properly asked one of the managers of Mr. Stephenson whether he made any canvass of the State. Any man who is familiar with political matters knows that the canvass is the basis of everything that is subsequently done. The witness responded that he had not made any canvass. Why? First, in order to make a canvass he would have to get a full list. Next, he would have to send his men into 2,200 precincts, which takes time. They discovered in this campaign that they could not get men to do this work without their being paid for their services; so it also takes money. Because it took time and money, it was not done in this campaign. The Senator had a right to do it. It was perfectly proper for him to do it.

Senator KERN. There is one thing here that is unaccountable to me. Perhaps the political conditions in Wisconsin are different from those in my own section. That is that Senator Stephenson did not have men in every county in Wisconsin, or at least in most of the counties, who were so friendly with him and so convinced of his fitness for this place that they would be willing to go out and make a little sacrifice and spend a little time in organizing for him without receiving pay for it.

Mr. LITTLEFIELD. There were some such men.

Senator SUTHERLAND. Let me make a suggestion, Mr. Littlefield. There is one letter in the record which throws some light upon that question. I have forgotten the name of the man, but one man who

had done some work for Senator Stephenson wrote a letter to his manager, saying that Senator Stephenson was a rich man and he (the worker) was a poor man, and if they felt like paying him for his time it would be very acceptable. Undoubtedly there were friends of Mr. Stephenson in Wisconsin who felt he could afford to pay them for their loss of time, and for that reason they asked for and accepted pay, when if Mr. Stephenson had been a poor man they probably would not have done it.

Mr. LITTLEFIELD. There is no doubt that that idea generally prevailed in the election; and the Senator did not hesitate to say, so far as that is concerned, that he did not expect any man to spend his time for him without reasonable compensation. I will say, in answer to Senator Kern, that the Senator did have more or less men in the various counties that did take hold and do this work without any charge or expense.

Senator KERN. The record shows a number of them.

Mr. LITTLEFIELD. Yes; there were a great many of them.

Senator FLETCHER. You made reference to some of the friends who supported Senator Stephenson in former years having aligned themselves with other candidates.

Mr. LITTLEFIELD. Yes.

Senator FLETCHER. Was there, in the beginning, some hesitation on his part about being a candidate? Did he delay about becoming a candidate? Did he at first think he would not be a candidate, or what was the cause of that?

Mr. LITTLEFIELD. The Senator did hesitate for some considerable time; and it was not until after considerable pressure from various sources, and having looked over the ground with a good deal of care, that he finally decided to become a candidate. But meanwhile, as I have already suggested, the other three candidates had been in the field, one of them 15 months, another 12 months, and the other some 5 or 6 months.

Senator HEYBURN. Mr. Littlefield, the subcommittee did not investigate to ascertain how many men worked for Senator Stephenson without pay. It only investigated the cases where it was alleged that they had received pay.

Mr. LITTLEFIELD. Yes.

Senator HEYBURN. And the subcommittee could not say to-day that a very much larger number did not work for him without pay.

Mr. LITTLEFIELD. But in the course of the subcommittee's investigations it did appear that there were a number of men who did work without pay.

Senator HEYBURN. It did not appear, however, as to who had worked without pay.

Mr. LITTLEFIELD. While I am on this subject—it will take me but a moment—I will state that I have prepared in the brief a list of the various things that in our judgment it would be necessary to do, and that they found they ought to do. You will find it on page 24.

Submanagers had to be employed, between whom the State was divided up, so that as nearly as possible it should all be covered. They were to take charge of the details in the section allotted to them, and as a rule they were to receive compensation for their services and the payment of their expenses. This was done as far as the limits of time made it possible. The necessary petitions were to be

circulated and the signatures obtained to enable his name to be placed as a candidate upon the ticket. This was done. Literature, advertising matter, and lithographs had to be printed, circulated, mailed, distributed, and posted throughout the State, and persons had to be hired for that purpose. This was done, though incompletely, on account of the imperfect and inadequate mailing list. Arrangements for campaign meetings, with the hire of halls, bands, and speakers, had to be made. This was done only to a small extent. While no complete canvass could be made, it was necessary to employ men in as many localities as possible to personally meet the voters, develop as much sentiment as possible in favor of Mr. Stephenson, urge his qualifications, and more important than all else—answer the criticisms that were being freely and vigorously made of Mr. Stephenson in the interest of the other candidates. These men had to be paid for their services and their expenses, including hotels, teams, and automobiles.

Perhaps I ought to stop here to say that a vigorous assault was made upon the Senator upon the ground that he had gotten so old that he was really not fit to hold the office of United States Senator; and that assertion was being circulated all around, through not only 71 counties but 2,200 election precincts. It was being circulated by men who did not gather together people in halls and have campaign meetings, but who drifted about from person to person, to individuals, canvassing the voters personally. How do you suppose the Senator was going to meet that? He could not meet it in any other way than by employing men to go around and urge his qualifications and answer these criticisms. It cost something to cover 2,200 election precincts and to attempt to go through this conversation with 400,000 people scattered through this whole State. The Senator was able to go in that campaign to only seven counties. His presence rather tended to demonstrate the lack of foundation for that criticism. The Senator has a feeling—and I am inclined to sympathize with him in it—that if, in connection with this campaign, he had had time to go through the whole State of Wisconsin, and to show that although he is really 82 or 83 years of age, he apparently is not more than 71 or 72, that difficulty in the campaign would perhaps have been eliminated.

Senator KERN. A special train would have cost a good deal less than he actually spent.

Mr. LITTLEFIELD. Yes, that is true; but, then, a special train would not have met everybody, especially if there had been only the "rear-end canvass" that is sometimes made on special trains. And, as a matter of fact, the Senator is not altogether an adept in making that kind of a campaign.

Men and teams and automobiles were to be hired for the purpose of getting to the polls on election day men who were either so infirm or lived so far away that they otherwise would not have attended. It was necessary to employ men to work at the polls. We can see the necessity for that. Seven thousand three hundred and eleven men voted on that primary election day that did not vote for the Senator at all. If the Senator had not been represented at each election precinct by one or two men who could hand out his cards and suggest that the Senator was a candidate, and urge the voters to express their preference for him, how many votes do you think the Senator would have gotten after all of his work and all of his expenses in the cam-

paign? And it was a perfectly legitimate proposition so far as that is concerned.

Now, I want briefly to call the attention of the committee, without stopping to go further into these details, to the analysis of the expenses paid by the Senator in this campaign. You will find it on page 26 of the brief and in the report on page 322. The only item to which I am going to call your attention in detail is the item of \$46,052.29. To that item I add three items found on page 2071 of the record. I also add the items of the same character expended in Milwaukee County, and I get an aggregate of \$64,528, devoted practically to organizing expenses. The balance of the \$107,000 was for the expenses of the headquarters, postage, printing, advertising, circulating matter, etc. You will find it stated in detail on page 26.

So practically, in effect, the amount expended in this campaign in direct organizing by the Senator or by his managers was \$64,000. That is the only sum upon which could be predicated misappropriation or unlawful expenditure. Bearing in mind the 2,200 precincts; that is about \$29 per precinct. It has to cover the time and expenses of the submanagers, the expenses of the men in procuring the signatures to nomination papers, the expenses of men in making the canvass, traveling all about the State throughout the 2,200 precincts, urging the Senator's qualifications and meeting the criticisms made upon him. It also has to cover the expenses of the men who were necessarily employed for the purpose of getting voters to the polls and the expenses of from one to two men at a precinct for the purpose of being there and urging the Senator's qualifications, and doing the best they could to induce men to vote for him at the polls.

When you take all those items and see that they amount to only \$29 per precinct, you do not have much margin left for improper expenditure. I am not discussing now the question whether or not the expenditure was wise, but I am discussing the question whether the size of the expenditure gives rise to any presumption of fraud in connection with it.

As has been very well said by the chairman of the subcommittee—who, I notice, remembers very well the testimony taken before the subcommittee—we had the testimony of three witnesses as to what it was necessary to expend in order to carry on an effective and thorough campaign. You will find those witnesses referred to on page 28 of the brief. One of them was Mr. Edmonds, who was the general manager for Mr. Stephenson in his campaign. He managed the primary. Later on he was chairman of the Republican State committee and managed the Republican campaign in the election. Mr. Edmonds says that a thorough and effective campaign, covering the whole 2,200 precincts, with the details to which I have called your attention, would involve an expenditure of at least \$170,000 of \$200,000. Mr. Riordan, another witness of large experience, states substantially the same thing. Mr. Wheeler, who is a lawyer of distinction and standing, formerly United States district attorney, and at the time he testified one of the counsel for the Chicago & Northwestern Railway—and who has since been promoted, so that he now holds the second legal position in the service of that great corporation—says it would cost in the neighborhood of \$200,000. And in answer to a question from the chairman, he said:

“Yes; I think it does cost that now.”

I put in the record an estimate made by us, which is the statement that would have been testified to by Mr. Cowling if the committee had not felt that there was already enough in the record covering that ground. You will find it in detail on page 29. It aggregates \$189,670. Mr. Cowling was the manager for Mr. Cook in the campaign in 1908, and also had conducted a senatorial campaign in 1910, as I remember.

Senator HEYBURN. Where do you get this statement?

Mr. LITTLEFIELD. I get it from Mr. Cowling.

Senator HEYBURN. That is the statement we ruled out?

Mr. LITTLEFIELD. Yes. I simply use it as my estimate in making the argument before the committee. It is not evidence. But I will say that if the committee is sufficiently interested in it, I will produce Mr. Cowling here so that the committee may cross-examine him.

All of this bears upon the question of the presumption. When you come to look at the items suggested by Mr. Cowling, his statement is predicated, not upon 2,200 precincts, but upon only 1,600 precincts—1,500 outside of Milwaukee and 100 in Milwaukee. His statement of postage, for instance, is \$4,000. The Senator's managers expended \$9,000. His statement as to the number of clerks he would employ is 20. The Senator at his headquarters organization in Milwaukee at times had 40 clerks employed in sending out and mailing literature and doing the detail work involved in the rush and hurry of a campaign that had to be conducted in eight weeks' time.

I am not undertaking to say, and I do not wish to be understood as insisting, that the Senator could have conducted this campaign as economically and as wisely in that length of time as if he had gone into the campaign earlier, when he could have had the assistance of more of his friends without compensation, and when he would have had more time to elaborate his organization and perfect its details. I have no doubt it was more expensive to conduct it in that short length of time. I have not any doubt at all about that. Undoubtedly it cost Senator Stephenson more to conduct this campaign than it cost any of the other candidates, very largely for the reason that throughout Wisconsin the Senator was understood to be a man of large wealth. I have not the slightest doubt that when persons who worked for him undertook to fix the price of their compensation they gave themselves rather than the Senator the benefit of the doubt. And it may be that more or less of the money that was expended was unnecessarily or unwisely expended; but that is a very long distance from corrupt or improper expenditure.

That is all I have to say, if the committee please, upon the question of the presumption. I say that under all the circumstances, taking into account the size of the State and the things that were proper to be done and that ought to have been done, the mere size of the expenditure does not create any presumption of fraud or corrupt expenditure. I have been under the impression that the subcommittee entirely agreed with us upon that proposition.

Now, just a word as to the public policy connected with this large expenditure:

So far as concerned the policy of the State of Wisconsin and the Federal Government, as declared up to that time, it was one that allowed unlimited expenditure, so long as the money was expended within lawful and legitimate lines. The State of Wisconsin has since

prescribed a limit. The Federal Congress has since prescribed a limit. But I submit it does not quite do to say that the public policy declared by the Legislature of Wisconsin and the Federal Congress since this election injuriously affects the Senator, by reason of the fact that his expenditures then were in excess of what the public policy is now declared to be. That would make the legislation *ex post facto* in its operation, which, of course, not only can not be done, but in my judgment would not be done if it could be.

Something was said about items and details. It is true that the record does not disclose as clearly as I should like to have it, nor probably as clearly as the subcommittee would like to have it, all of the items and all of the details involved in this expenditure. But it is also true that every witness who testified before the subcommittee who was not able to give in detail the expenditures made stated that he had followed the practice that he had been engaged in as long as he had been connected with a political campaign. That is to say, there was nothing peculiar about the Senator's campaign. We gave a man \$500 for the purpose of expending it in this campaign, and he treated it just exactly as he had treated sums that he had had in his hands for political expenditures during all the time he had been engaged in political activities.

In other words, there is nothing in the record that shows that in this case the witnesses made an exception to their usual rule. It would have been more satisfactory, if we were to have a detailed accounting to have them account and more fully. But unless it appears that some change in method was adopted in connection with the expenditure of the Senator's money, we submit no presumption can be indulged in that there was any corrupt or unlawful expenditure by reason of the failure to keep an itemized list of these details.

I want to submit this suggestion here: While the Senator was not able to get the assistance of all of his old-time friends, the people who represented him in this campaign and in the expenditure of this money were in the main men of the highest class and standing and character in their respective communities. The subcommittee saw them all. I do not say every man was of that character, but I say in the main they were. The committee must realize that when you come to take 125 or 150 men there will be some difference and some variation in their characters and peculiarities, their qualities and their standing. But in the main they were men of high character and of the best of standing in the respective communities where they lived. They are not men who ought to be charged, either directly or indirectly, or by way of suggestion, with the misappropriation of funds or their improper or corrupt expenditure. Of course the whole committee does not get the benefit of seeing these men. I do not say that every witness appeared in that way before the subcommittee; but as a whole the witnesses presented that appearance.

I want to negative, as I have already done somewhat, the suggestion that the small expenditures may have been used for the purpose of indirectly bribing voters. It is perfectly true that that is possible. But when you hire a man to get other men to the polls, or to do canvassing for you, while you can use that method of campaigning for the purpose of indirectly bribing the man thus hired, it can only be done if you hire him for the purpose of changing his support.

The record discloses that no man was hired for any such purpose. Our proposition is that it is incumbent upon whoever makes a charge to establish the fact. But the record goes further, and discloses that in every single instance when attention was called to expenditures of that character the witnesses, without exception, stated that the men they employed were at the time of their employment friends of the Senator, and were employed for that reason. And, as I have already suggested, every witness says that no money was expended or disbursed by him for the purpose of improperly influencing any voter.

Could we go any further? I hope the Senators will feel that we, as counsel for Senator Stephenson, and the Senator himself, are not required to accomplish the impossible in a case like this. And when the record discloses, as to the particular point I am now discussing, a complete unanimity of testimony upon the part of the witnesses and the statement of every witness, without any exception, that the money was lawfully and properly expended, I hope it will be found that there is nothing in the record that will justify raising an improper inference.

I want for a moment to call attention to a suggestion that was urged with some force, not by the committee, but by the parties interested in the investigation, in relation to the employment of game wardens.

A man by the name of John W. Stone received something like \$2,600 from the managers of Senator Stephenson. He was an old-time friend of the Senator. He called on the Senator in the beginning of the campaign, introduced the subject of the campaign, and told the Senator he would be very glad to do anything he could. Later on he saw the Senator's manager, and suggested to him that he could handle \$2,500 in promoting the Senator's interest in the campaign; and he was paid twenty-five or twenty-six hundred dollars for the purpose. There were some unsavory things connected with that matter with which the Senator had no connection.

It has been suggested that that was in violation of some statute of Wisconsin. We took occasion to find out what the statute was. As illustrating the peculiar legal propositions that we met in the course of this investigation, I want to read that statute, so you can see just exactly what statute the Senator is alleged to have violated when his manager employed the game wardens and paid them this sum of money. This is the statute:

SECTION 990-28. *Political assessments prohibited.*—No officer, agent, clerk, or employee under the government of the State shall directly or indirectly solicit or receive or be in any manner concerned in soliciting or receiving any assessment, subscription, or contribution, or political service, whether voluntary or involuntary, for any political purpose whatever, from any officer, agent, clerk, or employee of the State.

In other words, it is provided that no man shall collect, either directly or indirectly, a political assessment from an employee of the State. The profound distinction between employing a State employee and paying money to him for services that he renders, and the collection of money from him as an assessment, is so obvious that it need not be discussed. But it is a pretty good illustration of some of the very incongruous and preposterous legal propositions that were made in the agitation that has involved the Senator in this controversy.

Now, a word as to the failure to file the return:

It is true that the return the Senator filed after he received his certificate of election on March 4, 1909, was not a strict compliance with the statute of Wisconsin. But it is also true that Mr. Upham, a member of the firm of Carey, Upham & Black, prepared that return. The record shows that when he prepared it he had before him the returns made by Mr. Cook, Mr. Hatton, and Mr. McGovern—who, since making his return, has been elected and now is the Governor of the State of Wisconsin. I may go further and say that he is a man of the highest character, the finest local standing, and one against whom no man can make any criticism. Mr. Upham had also examined the returns made by distinguished judges now sitting in the highest court of the State of Wisconsin. The return prepared by Mr. Upham, so far as details are concerned, is an improvement over some of the returns made by these distinguished men.

I do not say the failure of these distinguished men to make a return as required by law would exempt the Senator from any penalty that might properly be imposed upon him for violating the same law. But I do say that when the return was made, predicated upon these precedents established by men of high character and standing, it indicated a practical construction that had been placed by candidates and the public upon that section of the law; and the Senator is not to be visited with severe condemnation when he followed the precedents thus laid down.

The fact that the people of Wisconsin are not very much disturbed by this lax construction of the statute is of course conclusively indicated by the fact that all of these things were developed in 1909, and that Mr. McGovern has been elected by the usual Republican majority governor of the State since his failure to file a return and his violation of the statute and no one has ever been prosecuted for a failure to file a proper return.

But now let us assume—which is the fact—that notwithstanding these considerations, the return does not strictly comply with the statute. What then? The statute imposes the penalty; and the penalty is a forfeiture of not less than twenty-five nor more than five hundred dollars. That is the sole penalty that is prescribed. The statute does not undertake to invalidate the nomination. It does not undertake to do anything except impose that penalty. Will the Senate, or could the Senate, add a new penalty to a State statute?

When the State statute itself does not undertake to go so far as to invalidate a nomination received under those circumstances, much less could the Senate say, I submit, that the failure to file the return had any effect upon the subsequent election of the Senator by the legislature, especially when the courts of Wisconsin have held, in accordance with my contention, that there is no legal connection between the primary and the election to the United States Senate.

Senator POMERENE. What case do you refer to? You say the courts of Wisconsin have decided that there is no legal connection between the election and the primary?

Mr. LITTLEFIELD. Yes. I refer to the case of *State ex rel. Van Alstine v. Frear* (142 Wis., 320), found on pages 15, 16, and 17 of my brief. That is the case I quoted from quite liberally in my argument before the subcommittee, if you remember.

Senator POMERENE. Yes; I recall it.

Mr. LITTLEFIELD. I will read just a short paragraph from it:

If the electors in reality elect United States Senators, instead of the legislature, then the constitutional scheme has been superseded, and the spirit of the Constitution has been evaded and disregarded. Performing the empty ceremony of recording the wish of some other body is vitally different from expressing and recording independent thought and judgment.

I come now, if the committee please, to the final proposition in my brief, with which (unless the committee desire me to discuss some other phase of the case) we will close the discussion. That is, the burden of proof. This proposition, of course, will be considered entirely separately from my discussion of the presumption arising from the large expenditure.

We say the burden rests upon whoever makes a charge to sustain it by adequate proof. If the Senator was guilty of the charges suggested by the Wisconsin Legislature and included in the resolution, he committed a crime against the laws of Wisconsin. If the State of Wisconsin saw fit to prosecute him for violation of those laws in the commission of that crime, he would come into court sustained, in the first place, by the presumption of innocence. In the next place, it would be incumbent upon the State making the charge to establish it beyond a reasonable doubt by legally competent testimony.

I do not propose to stop to discuss the question of "reasonable doubt." I am simply calling attention now to whether or not the burden rests upon the Senator. We assumed the burden of proof. The subcommittee, in its wisdom—and it was very wise in that regard—while it did not proceed upon the assumption that the burden of proof was upon the defendant, conducted the investigation on a line that was calculated to develop all the facts. We cooperated with the subcommittee. We were conscious of the innocence of the Senator; and we felt that we could safely go beyond the rule required, and affirmatively establish a negative.

We did this: We either presented or offered to present to the subcommittee the oral testimony or the affidavit of every man who expended, used, or had received a dollar in this campaign. That was not upon the hypothesis that it was incumbent upon us to do it. Whoever suggests fraud and corruption in connection with this campaign, unless all well-recognized legal rules are reversed, would have upon him the burden of establishing it to the satisfaction of the tribunal before which the case is to be heard. The record not only fails to disclose any affirmative evidence showing any corrupt or improper conduct upon the part of the Senator, but we submit with great confidence that it discloses evidence coming from the Senator, and offered by him, accounting legitimately and properly and honorably for all of this expenditure.

I beg to call your attention now to a portion of the record, so that you may see that we were doing our best to cooperate with the subcommittee. The extract I give you is found on page 38 of the brief:

Mr. LITTLEFIELD. I should like to make this statement: Brother Black and I have conferred about the matter of further affidavits as to the use of funds by the submanagers and persons to whom the submanagers intrusted funds for disbursement in the interest of Senator Stephenson in the primary campaign. I conferred with Mr. Black about that matter since the adjournment last night. We understand the subcommittee to hold that additional affidavits along those lines are unnecessary, and would needlessly cumber the record. For that reason we have decided not to take and present any more affidavits of that character, holding ourselves in readiness, however, to take and sub-

mit affidavits of that character if desired. As to the affidavits from poll workers, we understand that for the reason given by the committee that suggestion is withdrawn, and that we shall have no occasion to submit affidavits of that character.

So, for these reasons, we shall not submit any further affidavits unless the subcommittee or the full committee or anybody else may desire it, having it distinctly understood that we will cover all that ground if anybody suggests that it ought to be covered.

The CHAIRMAN. The matter may stand in that way.

Mr. LITTLEFIELD. That, of course, relieves us of the annoyance or work of the further submission of affidavits.

We had previously called attention to the situation in this language:

We are prepared, if the committee desire, to submit affidavits of all of the men in both the second and the third degree to whom funds were intrusted for disbursement in the campaign, and to account for those funds as far as we can.

The subcommittee assured us as follows—and this, I may say, was the language of Senator Pomerene:

I do not see how you or Senator Stephenson could be subjected to any criticism by reason of the fact that you have failed to account for the expenditure of all of the money by all of the men who have handled any.

One hundred and twenty-four witnesses were examined. Thirty-five affidavits were submitted. Nearly all of these witnesses were witnesses who had disbursed funds in the campaign. Practically all of the affidavits—not all of them, but practically all of them—were affidavits of a like character. While we did not feel, and I do not feel now, that it was incumbent upon us to produce these witnesses for the purpose of exculpating the Senator and assuming the burden of affirmatively proving a negative, we did feel that the Senator had vast interests at stake here, and that it was not wise or proper for us, acting as his counsel, to avail ourselves of what we knew to be his legal rights; but that we ought to put ourselves, so far as he was concerned, in a position where we were prepared to disclose and prove every fact connected with this campaign.

The subcommittee—acting wisely, in my judgment—stated to us that it was not necessary for us to go further. We had men that we were sending out upon the road for the purpose of examining men who had not been called, and procuring their affidavits, and submitting them to the subcommittee. We called in the men, and stopped our work in getting affidavits. While it would involve the accumulation of hundreds of affidavits, we were prepared, if it became necessary, to cover the ground with the affidavits of every witness that either received or disbursed any money in the campaign. I submit to the members of the committee, as lawyers, the question whether Brother Black and myself could have gone further, and whether, on the face of the record, the subcommittee were justified in requiring us to go further? What more could we have done? What more could the Senator have done than to have offered, through us, to produce sworn testimony to exculpate him from this charge that had not had a shadow of proof to sustain it on the record—not a shadow?

There is not a syllable of direct proof, coming from any witness who testified in relation to this primary, of any corrupt or unlawful expenditure—not one word. I can not stop to read it all to you, but I make that assertion without any hesitation. How could we with human testimony go further? We did not produce these men. With the exception of a few of the men who testified before the subcommittee, neither Brother Black nor myself ever saw one of them for a moment before he testified. We took our chances upon

what the witnesses would say. They were called largely by the subcommittee. Of course we had to examine those whose affidavits we procured, for the purpose of preparing their affidavits in accordance with the facts. But I submit to the committee, as bearing upon the good faith of the Senator, and the propriety of our trial of this great cause, what more was there that we as his counsel could do, in the face of a record that did not disclose a single charge, in the testimony of a single witness, of any corrupt and unlawful expenditure?

Then we offered to produce every man that had expended a single dollar in this campaign—an extraordinary proposition; a frightful burden, if it should be imposed (which it was not), upon the Senator. But we wanted to leave the Senator so that the committee and the Senate could feel that he had given to it a complete, frank, thorough explanation of the whole situation so far as he was concerned. Could we go further? Was it possible for human ingenuity to suggest additional considerations by way of exculpation? If it was, I am unable to conceive of them.

Bear in mind, gentlemen, a few words in closing:

Two years had transpired since this investigation began. Seven thousand pages of testimony had been taken before the legislative committees. Nearly every witness that testified before the subcommittee of the Senate had testified before the legislative committees. Everybody knew that these same witnesses were to be produced again. Is there a word or a rumor even in this record that either directly or indirectly attempts to impeach the integrity of a single witness thus known for more than two years? Not a word. Not a rumor. Does any witness appear to undertake to attack a statement made by any of these witnesses, that had been for this length of time matters of public knowledge in Wisconsin? Some of these statements were indefinite; some of them were uncertain; but does any such witness undertake to appear? Not one.

Did the subcommittee have the benefit and advantage of the information and advice of men interested in this investigation? It certainly did. Men who were familiar with it from the beginning gave their evidence. Among them were two members of the Senate committee that investigated the matter before the legislature and who were bitterly hostile to Senator Stephenson. I shall not characterize the investigation before that committee, because no useful purpose would be accomplished by doing so; but I wish the Senators to appreciate the conditions under which the record that you now have before you appears here, and it does them no injustice when I say they were bitterly hostile to Senator Stephenson. That was demonstrated not only by their prior conduct before the legislative committees, but by their attitude in connection with the hearing. They were able men. One of them is the lieutenant governor of Wisconsin; another was a former State senator. Both were able lawyers, who had spent a great deal of their time from 1909 to 1911 in investigating and developing and ascertaining and hearing rumors and reports and hearsay in connection with this case. They knew what the testimony was going to be. And yet there is not a word of proof from them. The subcommittee took the wise precaution of asking both of these men, as well as Mr. Blaine, who made the charges—if I recollect rightly—if they knew anything that was not disclosed by the record that was important to be considered. I am very certain they

put that question to Senator Husting, and I think it was put to Senator Morris; and neither of them had a word to say about any fact that the subcommittee had not developed and investigated.

What is the situation with respect to allegations of corrupt conduct and fraud? The whole record has been in the hands of the prosecuting officers of Wisconsin for more than two years, with a request from the State senate to investigate it and bring to justice whoever might be found to have violated the law. Have there been any prosecutions in Wisconsin indicating the outrage of a righteous public sentiment, which, I trust, prevails in Wisconsin? Have there been any? Not one. The entire record has been in the hands of the proper prosecuting officers. It does not demonstrate that offenses have not been committed; but it does demonstrate that if they have been committed, and the record shows it, the prosecuting officers of the State have been willfully derelict in the discharge of their duties.

These are the conditions under which the record comes here. We are extremely anxious for the complete vindication of the Senator, and to have from the committee a unanimous report exonerating him and vindicating his title. I submit to every man on the committee, what more could the Senator have done? Is there any man sitting about this board who, if placed as the Senator was placed in connection with this investigation, with these charges pending against him, could present, by the exercise of either laymen's or professional men's ingenuity, any human testimony upon this issue that has not been presented or offered to be presented in good faith, for the purpose of disclosing to the Senate the real facts in connection with this campaign?

There is some little peculiar history in connection with the correspondence which I will not stop to go over. But the record discloses that the correspondence which was conducted by the manager for Senator Stephenson in this campaign is now intact, because it was followed by the subcommittee with all the energy and persistence that it manifested with my distinguished friend as its chairman. It was followed and traced from the time it left the headquarters in Milwaukee until it returned to the presence of the subcommittee in a trunk at the hearing in Milwaukee by the testimony of witnesses who swore that nothing had been abstracted from it. I saw the trunk in Brother Black's office three or four days before it was presented to the subcommittee. I have not yet read one letter in it—neither a copy nor an original. It was turned over to the subcommittee without Brother Black or I having the slightest idea of the contents of the correspondence. We did not know whether or not it contained facts that would inculpate the Senator. I have not seen it yet; neither has Brother Black. The subcommittee have seen it.

SENATOR POMERENE. Mr. Littlefield, that is not quite a fair statement.

MR. LITTLEFIELD. I mean, to examine it.

SENATOR POMERENE. Mr. Black had gone over part of the correspondence and had taken from it certain letters which were later furnished to us.

MR. LITTLEFIELD. Oh, I think you are a little bit mistaken about that. I will call your attention further to the matter in a minute.

SENATOR POMERENE. Possibly.

MR. LITTLEFIELD. We furnished two sets of letters: First, the letters that went out from and were received at the headquarters. Second, letters that were sent to the Senator individually at Marinette, Wis.

SENATOR POMERENE. They were also in this trunk?

MR. LITTLEFIELD. They were letters that were not in the trunk.

SENATOR POMERENE. I mean, they were all kept together? They were taken out and later furnished to us?

MR. LITTLEFIELD. Yes; they came from the same place. They were not in the trunk. The letters that the Senator had that related to his campaign, his personal letters, went up and were mingled with the other papers, but were afterwards taken out, and they were all brought back again. Those letters Brother Black examined, I think.

SENATOR KERN. What does the record show was the purpose of sending those letters out of the State? As I remember the record, they were put in a box first and sent up somewhere in the State; then they were sent over to Michigan, and moved around from place to place.

MR. LITTLEFIELD. Yes; that is true.

SENATOR KERN. I do not find in the record any reason for that course.

MR. LITTLEFIELD. In the first place, I want to say this: I will trace that. Brother Black and Mr. Hyzer represented Mr. Stephenson at the hearing before the investigating committee on the part of the State legislature. The hearing before that committee, as it turned out, did not seem to be directed quite so much toward invalidating the seat of the Senator as it did toward reaching, more or less, people who had been interested in the Senator's campaign. At least that was the notion the Senator's counsel had in connection with it. While they had a subpoena upon the Senator to produce his papers, Mr. Black at that time had not seen the contents of the trunk and did not know what it contained. He did not know what there might be in it that might embarrass people other than the Senator. Under those circumstances he had it sent to Escanaba, Mich., and it afterwards went to Wells.

SENATOR KERN. Is Escanaba in Michigan?

MR. LITTLEFIELD. Yes, it is in Michigan. The trunk went out of the State.

SENATOR OLIVER. Escanaba is in Wisconsin, is it not?

MR. LITTLEFIELD. No; Escanaba is right across the river from Wells. Escanaba is about 80 miles from Marinette.

SENATOR KERN. And then it was sent from Escanaba to Wells, Mich.?

MR. LITTLEFIELD. Yes. Then, later on, it came back to Escanaba, and from Escanaba it came down to Milwaukee.

SENATOR KERN. The papers started out in a shoe box and came back in a trunk.

MR. LITTLEFIELD. Escabana and Wells are on opposite sides of the same river.

The Senator wishes to know what reason there was for that. Of course, I did not happen to be his counsel at that time. Brother Black, who was, is here. But I understand the reason to be practically this: They did not know what was in the correspondence. They knew that these internecine political controversies were going on. There were a good many men connected with this campaign that did

not care to have it publicly known that they were interested in the carrying on of the campaign. There were a good many local reasons for that. The Senators may not realize that there are local political conditions in Wisconsin that, I trust, do not exist elsewhere. In my judgment, one unfortunate feature about the political situation in Wisconsin is that the Republican Party has been so strong in the State during the last 10 or 15 years that it has finally found time enough to divide itself into factions, which factions, apparently, are undertaking to destroy each other rather than concentrating their opposition against the common enemy, our Democratic friends upon the other side.

Senator POMERENE. More power to their arm.

Mr. LITTLEFIELD. I noticed that while that phase of the matter was being developed in Milwaukee, one member of the subcommittee, at any rate, seemed to take it with more or less nonchalance. At any rate, he had no particular objection to a continuance of the interesting proceeding.

I do not wish to say anything disagreeable or offensive to the people connected with these controversies—I have no interest in either one. But it is perfectly true that these feuds between the members of the Republican Party in Wisconsin have been bitter almost beyond description. It is not altogether a question of the candidates, but it is a question on the part of people who support the candidates. There are people up in Wisconsin who, because of the fact that they do not happen to be allied with the same factions, do not speak as they pass by. There are more or less of them all the way through the State, and that gives you an idea of the atmosphere that existed, under which this investigation was going on.

Brother Black felt that there were a great many people—and they were decent people; they were good people; they were, in the main, men of character and standing—who did not ordinarily take active part in campaigns, who did not care to have their connection with this campaign bruited throughout the whole country. They did not want to be assailed in the newspapers, and Brother Black thought it was proper, perhaps, for him to see that they were not unnecessarily exposed to undue criticism. He did not know what was in the correspondence.

Probably it would have been wiser, taking into account this investigation, if the correspondence had been left right where it was, in Milwaukee. We sometimes commit errors of judgment; and I think it is quite possible that under those circumstances Brother Black may have committed an error of judgment. I do not think, under the circumstances, he is entitled to any censure therefor. But this fact should be borne in mind; so far as Senator Stephenson is concerned, the Senator not only never saw but never knew and never heard anything about the migrations or peregrinations of the papers under these circumstances.

Senator KERN. Do I understand that a subpoena had been served on Senator Stephenson to produce the papers?

Mr. LITTLEFIELD. I do not remember about that. Had there been?

Mr. BLACK. He was served with a subpoena at the very beginning of the investigation by the State committee.

Senator KERN. The State investigation?

Mr. BLACK. The State investigation; yes, sir.

Senator KERN. Then Senator Stephenson knew that search was being made for this correspondence. Did he make any effort to get hold of it?

Mr. LITTLEFIELD. I do not think the Senator knew anything about it, because the Senator was practically the first witness who testified before the Wisconsin Legislature; and immediately after testifying he came to Washington, and left the whole matter in Wisconsin in charge of Brother Black and Mr. Hyzer, who attended the investigation during the 13 weeks that it was in progress. When these various features developed in connection with it, the Senator was here in Washington, and knew no more about what was going on out there than any Senator around this board. So far as the production of papers was concerned, or the management of the case, he left the matter entirely in the hands of his counsel.

Mr. BLACK. I want to say, Senator Kern, that at the time of the service of the subpoena—which was the very first day of the investigation before the State committee—I knew nothing about this correspondence, and did not for weeks and weeks afterwards, nor did Senator Stephenson know anything about it. I had no knowledge whatever about it.

Senator LEA. Was a subpoena served on that day to produce the papers?

Mr. BLACK. That was at the beginning of the investigation, I think about the 15th of February.

Senator KERN. Did not that put you on your inquiry, and did it not put him on his inquiry, as to what had become of the correspondence? You must have known that there had been correspondence.

Mr. BLACK. This refers to correspondence at the headquarters in Milwaukee, and our information was that that correspondence and all the papers in connection with it were destroyed at the close of the campaign.

Senator KERN. Did you inquire about that of Mr. Edmonds or Mr. Sacket? They testified in this investigation, as I remember—one of them, at any rate—that the correspondence was packed up in a shoe box and sent to Marinette.

Mr. BLACK. That was the testimony of Mr. McMahon, which I knew nothing about until away along in the month of April.

Senator KERN. Well, never mind.

Senator POMERENE. In that connection, in view of the question that I asked, I desire to refer to a statement on page 1794 of the record, in answer to a question which I propounded, as follows:

Do you know whether or not, at any time since these papers left Milwaukee, anyone has gone over them for the purpose of ascertaining the nature of them?

Mr. BLACK. The only examination of which I have any knowledge at all was that made by Mr. Russell about the 9th or 10th of March.

Mr. Russell was a lawyer in Mr. Black's office.

Mr. LITTLEFIELD. Yes; that is right. My proposition was that neither brother Black nor myself had seen the correspondence. I want to say, in answer to the further suggestion of Senator Kern, that so far as Senator Stephenson was concerned the record discloses that the first information he had that there had been any moving about of correspondence was when the correspondence came into the committee room in Milwaukee. Whatever was done was done in his absence. Brother Black intended to do what he thought

was proper to take care of the interests of all concerned; and in my judgment he is not entitled to any criticism for the action he took in connection with the matter.

In addition to that correspondence, we turned over to the committee the Senator's private letter book in use during this period, and all of the correspondence that he received in connection with the campaign.

Under all these circumstances and conditions, I ask whether there is anything more that we could have done, or that the Senator could have done, to disclose the actual facts? It is incredible that a campaign like this, involving hundreds of men, could be conducted without some things being done that would not altogether appeal to our sense of propriety. But I submit that it is extraordinary that we could develop all of the details connected with this transaction and have nothing appear in the record that by any direct inference, at least, can suggest an improper or corrupt use of any of these funds upon the part of the Senator.

All that the record discloses is a charge of corrupt expenditure and the expenditure of \$107,000. If this creates a presumption of corrupt expenditure, which we deny, it is certainly a rebuttable presumption what becomes of the presumption of innocence of which the poorest individual in the meanest court in the land can not be deprived. The Senate can of course deprive a Senator of this presumption; but it would be singular that Senator is the only person deprived of that presumption when charged with crime. If he is given the benefit of the presumption of innocence, does it not offset and answer the presumption arising from the size of the expenditure? If not, when and where does he get the benefit of the presumption of innocence? If one presumption meets the other, there is nothing left of the case against Senator Stephenson. In any event the presumption of corruption is rebuttable by the testimony of the witnesses intrusted with the expenditure. We have proved and offered to prove by every person that handled money that there was no corruption in its expenditure. If there was corruption the witnesses have not only committed the crime of bribing voters, but they have committed perjury in flatly denying it. Is there anything in this record that will justify any unprejudiced man weighing testimony in accordance with every hitherto known rule in holding that any or all of these witnesses have committed this double crime and with the knowledge of Senator Stephenson? Can such witnesses be selected by name or are they all perjurers and bribers? We submit with great confidence that no such facts can be found on any fair analysis of this record.

I want to go a little bit further, to show how careful the Senator was in conducting this campaign. Of course, as the record discloses, he repeatedly told his managers to keep within the law. I hope it is not necessary for me to enlarge upon the fact that Senator Stephenson is a man engaged in large enterprises and conducting large business in various sections. It is a physical impossibility for him, in connection with his business, to look out for the multitudinous details connected with it. Every man who has to do with large business knows what the fact is in that regard. Much less was he able to exercise any control over the details connected with this campaign. He did with the campaign exactly what he does with his business:

He employed what he believed to be competent men, who were not subject to any criticism for improper and unlawful conduct, and he left the details to them.

No political promise was made by the Senator during this campaign for any support that he received. No appointment has been made and no recommendation has been made by the Senator since the campaign in 1909 that even the bitterest hatred has been able to point to as having been inspired by any understanding, direct or indirect, entered into in connection with the campaign.

How, then, could the Senator present before this committee a cleaner, a more frank, or a more perfect statement of legitimate, lawful expenditure? It may have been in some instances unnecessary; it may have been excessive. But in the absence of any evidence tending to show improper and unlawful conduct, has he not assumed and sustained the burden of demonstrating the lawfulness and the propriety of his expenditure?

We hope, Mr. Chairman, that the committee will feel at liberty to give to the Senator a unanimous recommendation showing that his title to this seat is not impaired by any unlawful or corrupt act that is even suggested or hinted at in connection with anything that is disclosed by the record.

If the Senators please, I have concluded all I care to say, unless some Senator wishes to make some inquiry in relation to some phase of the case.

The committee thereupon went into executive session, after which it adjourned.

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Workers, \$350 received August 8 was to pay them; basis of arrangement with Edmonds was to pay \$5 a precinct; could not get men in Madison to work at polls for \$5; had to pay some of them \$10; it averaged, I think, \$8 over the county; men not only worked at polls, but circulated nomination papers, gathered names, and posted lithographs; some men not paid until after primary.....	1183, 1184, 1190
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Advertising material, posted and circulated by employing men to do the work, and travel in and throughout the county of Janesville; several trips made by automobile.....	1995
Age, 37 years.....	1995
Band of music, engaged at time of visit of Stephenson to Janesville; expenses of, \$20.....	1995
Campaigns, experience in previous; states campaign carried on for Stephenson in Rock County one of the cleanest ever conducted there.....	1995
Cards and campaign literature, distributed at the polls on primary day; men employed.....	1995
Conveyances engaged for use at the polls in and about Janesville.....	1995
Expenses, legitimate, in connection with work done in primary campaign, assured by headquarters at Milwaukee would be paid; received \$150; no part of for services.....	1995
Janesville, Rock County, Wis., residence for past 10 years.....	1995
Janesville Gazette, supporter of Stephenson prior to work done for in the primary campaign.....	1995
Madison investigation, not called as witness at.....	1995
Money not disbursed for the purpose of corruptly or unlawfully influencing or bribing any person.....	1995
Poll workers, none employed unless at the time of employment they were supporters of Stephenson; distributed between \$40 and \$50 for work done by precinct workers; names of some given.....	1995
Primary campaign, in the early part of August, 1908, requested to do what work in, he could; activity covered period of 30 days.....	1995
Saloon campaign, special instructions given by headquarters at Milwaukee that in no event should it be conducted; instructions complied with, so far as he knows.....	1995
Statement of expenses, never called upon to furnish itemized.....	1995
Stephenson, supporter of, prior to doing any work for in the primary campaign.....	1995
Stephenson, vote of, in Rock County; had a majority over all other candidates.....	1995
Telephone service, large expense for.....	1995

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Bancroft, Levi H., elected attorney general in 1910, Richland Center, Wis., testimony of.....	701
Account of expenditures made in behalf of Stephenson, I did not keep one; did not render one to Puelicher, Edmonds, or Stephenson.....	708, 719
Candidate at direct primaries in 1908 for nomination for assembly from Richland County; presume I had announced candidacy during month of June, 1908, or prior thereto, but I can not tell you exactly as to that time.....	701, 702
Custom, long prevalent, for candidates to be represented by teams and transportation in effort to get voters to polls.....	723
Democrats absent when Stephenson was elected by legislature; I never had any talk with anyone who pretended to have talked to any of the three on the subject; I think I referred to the matter in a joking way with Ramsey or Towne two or three months afterwards and they were somewhat indignant, and it was turned off into a joke.....	719
Edmonds, I did not see him when I came to Milwaukee in response to request; I was telephoned two or three times, and I finally stated I would come on Saturday; I came to Milwaukee and went to Stephenson headquarters expecting to meet him and was informed by somebody that he had been called to Appleton, and that I was requested to go see Puelicher at Marshall & Ilsley Bank, and I did so.....	704
Francesco, George, traveling salesman or expert in farm machinery; paid him from \$40 to \$50 in cash; I paid him on several different occasions; his business was traveling around putting out literature and seeing people, and I paid the livery bills and paid him for his services; he put out several buggy loads of Stephenson lithographs and placards.....	710, 711
Joint session, I was present when Stephenson was elected; did not know that three Democrats were absent at the time; heard somebody talk about it afterwards; did not attract my attention at time as that was a frequent occurrence; I do not know of any circumstance that would enable committee to find out why they were absent.....	718
Legislature, I have been there two terms; once immediately preceding this term; when elected, I have no recollection of sending any telegram announcing my election.....	712, 713
Literature, I received several thousand lithographs and placards; buggy load after buggy load went out, and they were instructed to nail them up in every available place; on all railroads, crossroads, cheese factories, creameries, etc., in the county; every dollar except that given Mehaffey went for livery bills and expenses for these men who went out, and their per diem for posting up that literature.....	710, 722, 723
Liverymen to whom I paid bills for men I sent out named Daniel Berger, Philip Smith, and Wade Hampton; I can not recollect the amount, but I presume their books would show it; it would account for the balance of the \$250 or more.....	722
McMahon, my statement before joint committee that he was an entire stranger and called at my office in Richland Center saying he had been requested to call on me with regard to campaign and amount of money necessary is correct; think he called on me a week or 10 days before July 31; my statement that he returned to Milwaukee the same day and soon after I was telephoned to by Edmonds and requested to come to Milwaukee is correct; told him there were other candidates, and I was a candidate myself and I could not antagonize their forces.....	703, 704, 721
Maxwell, Thomas, Richland Center, employed in office of Republican Observer; I paid him on several different occasions because he was sent in various directions; sent him to a home-coming in village of Cazenovia; paid him at least \$40, and think there were some other sums paid him; sent out to nail up pictures; recommended by G. L. Minor; paid him some time in August after my nomination papers were filed.....	710, 711, 712
Mehaffy, George, Richland Center, I paid him \$100; I did not ask him to render an account; I never knew what he did with the money; he was a personal friend of mine and knew a great deal more about how to do political work than I did; knew how to approach people and so on, so that I just gave it to him with the general statement that I wanted him to do what he could for Stephenson; he was not the kind of a man who would accept a dollar for his service; was wealthy and of high character.....	709, 710, 717, 718, 723

Bancroft, Levi H., elected attorney general in 1910, Richland Center, Wis., testimony of—Continued.	
Memorandum, I did not make any of expenditures at the time.....	708
Men employed, sent for them to come to me; some of them came to my office; there were not to exceed from 6 to 10 that I made arrangements with; I do not know whether these men supported my nominations; I did not examine my nomination papers to see if their names were on them; I did not tell them Stephenson was furnishing the money; I was acquainted with all of them.....	709, 711, 712, 713
Minor, G. L., recommended Tom Maxwell to me; presume he knew I was a candidate for the legislature.....	711, 712
Money:	
For Stephenson campaign all laid in a separate compartment in my safe, and that specific money was paid out in paying these bills; was all disbursed in month of August; all paid out in my office, in city of Richland Center, to best of my recollection; did not carry any of amount on my person, except to carry it to Richland Center.....	708, 709, 716
How disbursed, my testimony before joint legislative committee correct as follows: Most of it paid in larger amounts to people who were instructed to see certain men in the towns or find men who would do the work, who would agree to look after Stephenson's interests, and assist in getting voters to polls, and I personally know of one or two instances where men were got who were opposed to me, but were Stephenson men; I personally disbursed some of it in the same way; every dollar of \$250 disbursed by me and more in bills I had to pay afterwards.....	707
My testimony concerning its use before joint legislative committee, correct as follows: I can conscientiously say I was very scrupulous in the use of that money; I did not deposit a dollar of it to my personal account in either bank; my personal campaign expenses were paid by check, and this committee are privileged to have my checks and bank books of both banks during that period.....	722
None of Stephenson campaign fund in my hands used for purpose of bribing or corruptly influencing voters.....	723
Paid out of my own pocket in addition to \$250; most that I disbursed was per diem and livery hire in posting Stephenson literature, and in connection with it I said: "Now, get all the boys you can out to the polls on primary day"; some of them came around to me after the primary and felt that I ought to pay them for their services, and there was one or two livery bills after the \$250 was gone; I asked no questions, but paid the bills.....	708
Spent in excess of that received from Stephenson, I do not think I spent to exceed \$25; where it appears in my testimony before joint legislative committee that I spent \$100 in excess, I was mistaken; I spent more than \$100, but I did not spend it in the primary.....	708
Names of men to whom I paid money not given to joint legislative committee, for a personal reason which was that I did not propose to answer any of Senator Hustung's or Senator Marsh's questions unless I took a notion to; the men never did object to my giving their names; only reason I refused to answer was the question of feeling between the members of the committee and me.....	715, 716
Nomination papers, I did not circulate them in my own behalf; I did not canvass my constituency for nomination prior to filing of papers; I can not give date I signed them, very likely the same day they were filed; circulated by friends in various townships of county; I could not give you the name of any one person now, but I could furnish you the papers with their names attached.....	701, 702
Offices held, prior to 1910, district attorney, county judge, and member of assembly from Richland County, 1908-9.....	701
Primaries, I carried the county by between three and four hundred; A. L. Hatch was other candidate for Republican nomination.....	714
Privileged witness, I do not recall saying that I was one; but undoubtedly I did, because it appears in my testimony before joint legislative committee; but I had nothing in mind, because I not only was not privileged, but I went there and requested the privilege of testifying.....	719

Bancroft, Levi H., elected attorney general in 1910, Richland Center, Wis., testimony of—Continued.

Puelicher, conversation with him as given in my testimony before joint legislative committee, as follows, substantially correct: I said my method would be to put a little money in each town and get some active individual; I explained to him ours was a dairy county, that Cook was friendly with dairy people, and that there was every indication he would carry it; said to him my idea would be to get a man in each precinct to be at factories to talk for Stephenson, find out who his friends were, and have an agreement with them to take voters to polls.....	704, 705
Puelicher, conversation with, in report of my testimony before joint legislative committee, as follows, is correct: My experience was that men did not want to do work without compensation; he estimated then that \$250 would cover my proposition of putting \$10 in a precinct, and asked me to take charge of it; I expressed reluctance, because when I manage anything I like to take an active, open interest, and in this case I could not; he expressly stated he wanted it understood that not one dollar of this was for my personal campaign.....	706
Puelicher, I do not think I made the statement to him, as in report of my testimony before joint legislative committee, that at least \$10 should be spent in each precinct; I told him that I thought \$10 would be all sufficient for each precinct; I do not say that I did not make that statement when I testified, but that I do not think I made it to Puelicher; that was a sort of slip of the tongue there.....	705, 706
Puelicher, John H., cashier of Marshall & Ilsley Bank; I received \$250 from him; he stated it was on behalf of Stephenson; I think I received it July 31; I was asked by telephone to come here, and I came down and went over to the bank in response to the message; I went to Stephenson's headquarters in Milwaukee and was sent over to see him; we went out to lunch together for perhaps two hours and talked over campaign generally.....	703, 704, 707
Report as to what was done with the money and to whom it was paid, I never made one to Puelicher or anyone else in charge of Stephenson campaign, because I was never asked to.....	716
Statute, requiring filing of itemized statement of expense account, I knew it required Stephenson to give the date, the person to whom, and the purpose for what all sums above \$5 were expended; I understood this statute required not an account of what I did with his money, but what he did with it; there has been no adjudication on the subject in this State; my personal opinion is that it has not been evaded by me, and that there is nothing in the law that says his agents shall file an account; it says that he shall do it.....	720, 721
Stephenson, Senator:	
As a member of legislature I voted for him on every ballot, both in 1907 and 1909.....	717
Been his friend for 10 or 15 years; I had supported him before in 1907; I think I was responsible for his election and supported him afterwards.....	721
Did not meet him any time prior to August 1, 1908, and discuss with him his nomination; I did not receive any money from him prior to September 1, 1908, to be used by me in forwarding his nomination..	702
How elected by legislature; there were very few ballots taken when there were not some absentees; there were a number of ballots taken when if all of Stephenson's friends—that is, who were voting for him consistently—were present he would have been elected; finally there came a day when there were some absentees and there were enough Stephenson men present so that he had a majority and was elected; afterwards there was talk that certain three Democrats were absent; that is all rumor.....	718
Present January 26 when he received a majority of the votes of the assembly for office of United States Senator; journal shows that on same day he received a majority of votes in the State Senate; result would have been same on joint ballot if parties who instigated this investigation had not gone to certain members and induced them to vote against him on first day of joint ballot.....	724

Bancroft, Levi H., elected attorney general in 1910, Richland Center, Wis., testimony of—Continued

Stephenson money, not a cent used in my own campaign; I took it very reluctantly, simply because I was a supporter of Stephenson and a friend and did not like to refuse.....	723
Speaker of the house, I was elected as a member of the legislature after the usual contest; there were some half dozen candidates up to night of the Republican caucus, and at that time I think they all withdrew with exception of George Scott; I was elected in the caucus as the Republican candidate to be voted for in open session and I was elected; continued to be speaker throughout the proceedings as a result of which Stephenson was elected to United States Senate	716, 717
Sum of \$250 sufficient, why I thought so as explained in testimony before joint legislative committee; my experience has been that you can get a man to do conscientious work for a moderate compensation and that the payment of any more than that will give you poorer work than if you give him what his services are worth.....	714
Testimony before joint legislative committee that I was approached by managers of other candidates is true.....	714
Vote at primary, with all of the money that was spent by the four candidates for United States Senator and the various candidates for State, legislative, and county offices, we have never had out 50 per cent of the vote and seldom 40 per cent.....	723
Wood, L. C., placarded the city of Richland Center and villages of Lone Rock, Gotham, and Twin Bluffs; I probably paid him \$10 or \$15, maybe \$20.....	712, 713
Barber, Whitman A., farmer, Sheboygan County, Wis., affidavit of.....	1996
Age, 57 years.....	1996
Campaign committee, received from, in all \$300; expenditure of \$171.50 actually expended, detailed; balance, \$128.50, retained to cover personal expenses and to compensate him for his services.....	1996
Men employed to assist in the campaign at the polling places, and otherwise, were Stephenson supporters at the time of their employment.....	1996
Money not disbursed for the purpose of corruptly or unlawfully influencing or bribing any person.....	1996
Primary campaign, at all times a supporter of Stephenson in; devoted about three weeks' time traveling about Sheboygan County posting, or causing to be posted, literature, lithographs, and campaign material, interviewing many friends, and advocating election of Stephenson by interviews, persuasion, and argument.....	1996
Sheboygan, county of, resided in during all his life.....	1996
Bell, Merton J., lumber business, Minneapolis, Minn., testimony of.....	1864
Absence of members, Shields said it was an easy matter to keep certain members out while the vote was being taken; said "Lots of fellows had their hand out," or something of that kind.....	1865, 1866
Brule, moved from, to Minneapolis about two years ago.....	1866, 1867
Crownhart, Charles, talked with him and wrote him a letter about my conversation with Shields; do not remember time of conversation with, but it was on a train between Minneapolis and St. Paul.....	1869, 1870, 1871
Paulson, L. C., my partner, first mentioned my conversation with Shields to him.....	1868, 1869
Shields, do not know whether any one heard my conversation with, in West Baden.....	1868
Shields never stated he was an enemy of mine; we have been friendly; have been on opposite sides in politics; had political controversy with, in primary election of 1906.....	1870, 1871, 1872
Shields, Robert J., have known 12 or 15 years; saw him in West Baden, Ind., in February or March, 1910; talked with him there on the subject of the election of Senator Stephenson.....	1864, 1865
Shields told me he was in Madison to help to elect Mr. Stephenson; that he got a special train to bring some member of the legislature to Madison; said it was an easy matter to keep certain members out while the vote was being taken; said he "helped get Uncle Ike get elected"; "fixed it up," "pulled it off," or "got it through"; said "Lots of fellows had their hand out," or something like that.....	1865, 1866
West Baden, Ind., had conversation with Shields there relative to the election of Senator Stephenson; went there for treatment..	1865, 1866, 1867, 1868
Wilkinson, arrived in West Baden a few days after I did.....	1867, 1868

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Beyer, George, president of the Oconto National Bank, Oconto, Wis., testimony of.....	880, 909
Account, did not render one to anybody; was not asked to; have always been prepared to furnish one.....	882
Borich, paid him \$5.....	881
Classon, Chris, paid him \$5.....	881
Cook, W. P., got \$300 from me; he arranged with Edmonds, but Edmonds sent money to me; he got a rig and made a canvass throughout counties, but how he used money I can not say.....	881, 882, 883, 909
Hanson, paid him \$10 August 29; suppose he used it to get people to polls to vote.....	880, 881
Harris, paid him \$5 to get people to polls.....	881
Jones, paid him \$20 to get people to polls; I think he had a couple of teams; came back and wanted \$12.40 more, and I paid him, and he had a livery bill that came to \$1.50, and I paid that.....	881
Money not paid out for purpose of bribing or corrupting electors.....	883
Money received from Edmonds in all \$400; paid out \$405.90.....	880, 881, 882, 883, 884, 909
O'Kelleher, paid him \$20 to get people to polls.....	881
Richard, A., paid him \$10 to get people to polls.....	881
Schulze, C., paid him \$5 for his day's work; he got all the friends he had to the polls to vote for Stephenson.....	881
Shallor, got \$5.....	881
Statements based on memoranda made upon an envelope in which one of checks came to me, bearing postmark of August 29, 1908; memoranda made at time of disbursements.....	883
Stephenson, I supported him in primary campaign of 1908.....	880
Teneson, Louis, paid him \$5; he came back and said he had a friend that he wanted to help him, and I gave him \$2 to pay for his day's work.....	881
Bissonette, Edwin S., contractor, Milwaukee, Wis., affidavit of.....	1996
Age, 37 years.....	1996
Bowman, Harry, of Genesee, received \$300 from, for personal expenses and services; understood was furnished by Stephenson campaign headquarters, distributed by him; claims \$150 for compensation for services; balance expended in paying personal expenses, for travel, hotel bills, entertainment, cigars, telephone, and correspondence.....	1997
Campaign work done in the city of Milwaukee, Cudahy, South Milwaukee, Watertown, and Oconomowoc during primary contest for Senator; wide acquaintance in places mentioned; met great many people and friends and advocated Stephenson's election.....	1996, 1997
Milwaukee, resided in for past 8 years.....	1996
Money not disbursed for the purpose of corruptly or unlawfully influencing or bribing any person.....	1997
Statement of expenditures, never called upon to furnish itemized; never occurred to him to keep an accurate account.....	1997
Stephenson, supporter of, prior to engagement.....	1997
Black, W. E., letters turned over to the committee by.....	2098, 2099, 2100
Black, W. E., member of law firm of Cary, Upham & Black, Milwaukee, Wis., and counsel for Senator Stephenson, statement of.....	1254, 1788
Box, gave instructions to have it taken back to Wells from Marinette after joint committee had finished, when McMahon was again called to stand and testified in relation to it before Senate committee on May 6 (1909). 1791,	1793
Box had been opened at Marinette.....	1791
Box, I was not asked for any information on subject by Wisconsin senate committee.....	1793
Box, instructions that nothing in should be destroyed or tampered with. 1255,	1791
Box of papers, first knew of 2d or 3d of March, 1909; at that time it was at Marinette.....	1255, 1789, 1792
Box or contents, not called for by legislative committee.....	1255
Box remained at Wells, Mich., until shortly after April 2, 1909, when McMahon testified in regard to it having been prepared for shipment to Marinette; thereupon I ordered the stuff brought back to Marinette, so that I would be in a position, if called upon, to produce it.....	1791, 1793
Edmonds, have not talked with him with respect to whereabouts of papers; so far as I know had no knowledge of existence of papers when he was on stand.....	1256, 1257

Black, W. E., member of law firm of Cary, Upham & Black, Milwaukee, Wis., and counsel for Senator Stephenson, statement of—Continued.	
Files, my information and belief is that no papers have been taken from, since they left the Stephenson headquarters here in Milwaukee.....	1794
Lambeck, only know he shipped box to Marinette through McMahon's testimony; presume it was sent to Stephenson.....	1256
McLean, R. E., manager of I. Stephenson Co., at Wells, had Russell meet him at Menominee, 4th of March, 1909, and convey my instruction to him; I am informed he went over (to Marinette) and got the correspondence and took it to Wells; he took it from the files that had been taken out of the box and were in Miss Stringham's office at Marinette.....	1255, 1256, 1790, 1792
McMahon, knew that he testified correspondence had been gone over and selected from before shipped; understood it was separation of Edmonds's personal matters.....	1794, 1795
Papers, object in sending them to Michigan, not because I feared there would be anything damaging to Stephenson's case, but that a lot of correspondence from all over State, written by various people (although I did not know exactly what it was), might contain things that would cause trouble; did not think this correspondence should be produced before Senate committee, to be made use of in harassing these various people.....	1256, 1792, 1793, 1794
Russell, C. C., sent him to Wells, Mich., second day after present investigation with instructions to get all of that stuff and get it down here..	1255, 1789
Russell, went to Wells 9th of March (1909); made an examination of correspondence, which was then at Wells, having been taken up there on the 4th or 5th (by McLean).....	1792, 1794
Russell, when I discovered from cursory examination that correspondence was mixed up, I gave him instructions to get the stenographers and have it arranged alphabetically and put back in files in order, which he did; instructed him to remove nothing.....	1790
Sacket, knew within a day or two that papers were over at my office, but not before he was on the stand; so far as I know, had no knowledge of existence of papers when he was on stand.....	1256, 1257, 1794
Stephenson, first connection with in relation to campaign, was after it had closed and a day or two before investigation began at Madison; had no connection with his headquarters in campaign; members of my firm have been attorneys for, for years.....	1788, 1789
Stephenson, was in Washington at time I had box sent from Marinette to Wells, Mich., and I did not confer with him at all.....	1255
Stringham, Miss, Stephenson's secretary, told me about papers in box at Marinette.....	1789, 1792
Trunk contains correspondence, poll lists, and mailing cards, in fact, all that was contained in box to which McMahon testified.....	1254, 1255
Trunk, when it came to our office, was first time I saw it; reached our office October 10 (1911) by express directly from Wells; it was locked and the key was given to me; unlocked it in presence of Russell; did not make anything more than cursory examination of papers at time; remained in our office until produced here.....	1255, 1256, 1789, 1790, 1792
Wisconsin senate committee, represented Stephenson in a legal capacity before.....	1794
Blaine, John J., State senator from sixteenth district of Wisconsin, testimony of.....	592
Alyward, John A., told me about things charged in eleventh specific charge; lives at Madison; got information for statement in that charge in his office the night he telephoned Tilton and then, also, subsequently when he showed me the letter in answer to that telephone message; I was hunting for information on which to make these charges and I went to him to inquire about a suggestion he had made in some speech, and this letter and telephone were result of call; that is only information I have that an offer of \$500 was made to Tilton.....	627, 628
Austin, H. E., is Democrat, residing in township of Hickory Grove; is a cheese dealer; he told me that Stevens had seen him and wanted to get his support for Stephenson; Stevens did not tell him Stephenson offered him money or anything of value.....	621, 622
Bribery statute, doubt if it should be qualified by use of words "corrupt payment"; it must be construed.....	640, 641

Blaine, John J., State senator from sixteenth district of Wisconsin, testimony of—Continued.

Bribery statute, I construe it to mean that the mere payment of money to an elector by a candidate for the legislature as a consideration for some act to be done in relation to the primary election, whether paid in good faith or corruptly, should be a violation of the statute; I think it forbids employment of campaign manager or anyone appointed to conduct campaign having an unlimited amount of money at his command.	639, 640
Bribery statute, passed in 1897; one providing for filing of expense account not passed until 1905.	641, 642
Campbell, Henry C., made statement on which I based sixth specific charge against Stephenson in city of Milwaukee, January 24, 1909; was one of the editors of the Evening Journal; met him by an appointment made through William Powell, reporter on Journal, at Plankinton Hotel; made statements to me of things that had been brought to him as a newspaper man, not on his own information; I think he stated source of his information, but I do not remember it; is a Republican; not in favor of Stephenson.	608, 609, 610, 611, 630
Candidate, in my opinion, might make payments to an elector of a sum not beyond what he ordinarily earns in his business or calling; the doing of actual work might be permissible; but when a sum in excess of that is paid, then it partakes of the nature of bribery.	640
Charge as to \$250,000 in first specific charge against Stephenson based upon information from Edmonds that he had charge of \$106,000, or thereabouts, and from deductions made by me from editorials and statements in the Free Press.	599
Charge that I made, that Stephenson and his agents offered money to editors other than Pollock, I can not give a single instance in which that would be true; I had no personal knowledge and no specific information on which to base the charge when I made it.	624, 625
Charge that three Democrats were paid to absent themselves from last joint legislative convention, I did not make any investigation of it; I think the senatorial committee did, and am not certain but that the joint committee did; investigation was public and whatever they did is printed in record.	638
Charges, I drew them up in my room in the city of Madison after my return from Milwaukee.	647
Charges made by me at preceding session of legislature, not taken up at last session of legislature; we considered only the resolution of Senator Hustung, together with report of senate committee; specific charges not taken into consideration in drafting my resolution that eventually went to United States Senate.	633
Claim that Democratic members of legislature absented themselves at time Stephenson was elected; I recognize that that was the fact; I do not know anything about it only from what was reported around the legislature.	637
Conference of Republican members, taking up legislative program, held night prior to time I asked that my substitute resolution referring charges to United States Senate be returned to judiciary committee; I explained it would be best to return resolution before it interfered with any legislative program; was last conference in regard to charges.	636, 637
Conference with regard to pressing charges against Stephenson had with Senator Hustung, Senator Morris and myself, Senator Sanborn, and Senator Klezka; Senator Klezka is a member of committee that reported resolution; should add Senator Linley, a member of judiciary committee.	636
Conferences in regard to pressing charges against Stephenson have been generally with Senators Morris and Hustung, because of their familiarity with proceedings; they are about the only ones who have conferred upon this subject.	636
Democrat, as a matter of personal knowledge I do not know of any Democrat to whom Stephenson either personally or through his agents paid money.	620
Democrats, absent when Stephenson was elected were: Assemblymen Towne, Farrel, and Ramsey; absent from last joint convention; it was reported that they had walked out with intention of making a sufficient number absent to give Stephenson the election; I know there was a rumor they had been paid to do it; I have no personal knowledge of it.	637, 638

Blaine, John J., State senator from sixteenth district of Wisconsin, testimony of—Continued.

Eastman, I have known him greater part of my life; I think he is a man of character and standing in his community; I could not say he has a good reputation for truth and veracity; I do not know that he denied the testimony I gave before joint committee; I did not read his testimony..	645, 646
Eastman, O. A., met me in Madison and asked me not to use my influence for an investigation, because there was a meeting at Platteville, where he was present with some Cook supporters, and that they had changed to Stephenson and that he got money for changing; said he got money from the Stephenson people; did not say which one.....	618, 619
Editor of Appleton Crescent, did not talk with him about editorial statement as contained in sixth specific charge; never saw him; did not write him, as I neither had the time or money to make an extended investigation; did not telephone him; had no reason to believe that he was not a reliable man.....	615
Editorial, produced to sustain ninth specific charge, because Bishop is a Democrat and he wrote the article; I do not remember that it was written prior to time I filed charges.....	621
Edmonds, gave me information that he had charge of \$106,000 or thereabouts to disburse in campaign for Stephenson, as his manager; his statement that he had charge of this fund was basis for first specific charge against Stephenson; he gave me no facts about expenditure of money; I based charge upon payment of money to him for him to disburse.....	598, 600
Eighth specific charge against Stephenson, that is only a general charge and intended to give the committee, if appointed, an opportunity to make a thorough, wide examination; no information directly; am not prepared to give any statement of facts within my knowledge upon which I made charge.....	620
Election of Stephenson, I was present in the joint assembly; I do not remember for whom I voted on the last ballot.....	637
Eleventh specific charge, based upon public speeches made by John A. Aylward, Democratic candidate for governor, and upon a letter from Tilton to Aylward.....	626
Fifteenth specific charge against Stephenson, I examined the secretary of state's files, or had the proper clerk examine them, and found no expense account; I do not controvert that the date indorsed upon the expense items is correct.....	630, 631
Fifth specific charge against Stephenson, based upon statement of Henry C. Campbell, of Milwaukee.....	608
Filed a return as a candidate in 1898; showed that I spent just a few dollars; think it was for postage; I had no opposition in the primaries.....	645
First specific charge against Stephenson, I made it; based it upon information gained from E. A. Edmonds and upon speeches made by John A. Aylward, Democratic candidate for governor; considered things charged therein to be a violation of section 4542b of statute, as Stephenson paid money to an elector, Edmonds.....	593, 594, 595, 596, 597, 598, 601, 602
First two specific charges, do not characterize expenditure of money as having been corrupt or unlawful, except by way of reference to the section of the statute; why so drafted.....	638, 639
Fourteenth specific charge against Stephenson, I have no personal knowledge of the facts set forth in; recollect Henry C. Campbell told me the things stated therein.....	630
Fourth specific charge against Stephenson, I have no knowledge of the facts therein only as conveyed to me by James A. Stone in his letter in evidence; I have no personal information on which I based charge....	606, 608
Free Press, it was generally understood that Stephenson owned the great majority of its stock; my knowledge as to Stephenson's ownership in, when I filed specific charge No. 1, was gained only from libel suits against Free Press, which developed who were the stockholders.....	599
Governor was never directed to send resolution to United States Senate; the secretary of state was directed to send certain documents to United States Senate and the resolution that I drafted specified these documents.	634

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Blaine, John J., State senator from sixteenth district of Wisconsin, testimony of—Continued.	
Hambright, I did not have a statement from him upon which I based fifth specific charge; I did not know him; do not now; have learned nothing about him; have no knowledge as to money being paid by Stephenson or his agents, directly or indirectly, to him; I have no opinion of what amount "large sums of money" designated in charge as paid him would be	612, 613
Hatton, I supported him for the Senate in primary campaign; was a Republican	611
Husting resolution, was one providing for investigation without naming specific charges; was defeated	631
Investigation, I started machinery of it in motion absolutely on my own volition; without any more specific instances than I have disclosed; in so doing absolutely not used by any man or organization for purpose of making attack on Stephenson	635
Journal, opposed to Stephenson; I had not been cooperating with, in opposition to Stephenson; classified as nonpartisan	610, 647
Law, I have been practicing since Sept. 1, 1896, in the city of Boscobel ...	635
Legislature that elected Stephenson early in March adjourned about June 17; no attempt made in that legislature to refer charges to United States Senate	638
Letter from Lester Tilton to John A. Alyward read from record of testimony before joint legislative committee	626, 627
Members of legislature instrumental in pressing charges against Stephenson; Senator Morris, La Crosse; Senator Marsh, Neillsville; Senator Hustling, Maysville; and, I think, Speaker C. A. Ingram, Durand, of the assembly; names are of those who have been active	635, 636
Milwaukee, I had come to the city to investigate before making the formal charges in full	609
Morse, Roy, I have no personal knowledge of his receiving money as charged in sixth specific charge; I do not know that testimony, undisputed so far, shows that he was paid \$450 out of campaign funds, and that that is all he received, and that the expenditure has been accounted for.	613, 615
My object in preparing a substitute resolution when the matter was already before legislature, Stephenson had been elected by the legislature and it had gone beyond the jurisdiction of the legislature; we could not revoke his election	634, 635
Ninth specific charge against Stephenson, that is a general charge, I had in mind rumors in reference to two Democrats at that time; had no personal knowledge of facts on which I based charge; got information on which charges were based from an editorial by Mr. Bishop in the Bloomington Record, a Democratic paper, published at Bloomington, Wis.; rests also on statement of Mr. Stevens	620, 621, 623
Nominated at direct primary election in September, 1908	593
Office, did not hold any, in 1908; elected to, in November, 1908	592, 593
Part I took in securing a reference of investigation to the United States Senate by the present Legislature of Wisconsin, Hustling resolution submitted to judiciary committee of State senate, of which I was chairman; I took matter up with Senator Hustling as to some parts I suggested should be changed, which was agreeable to him; I merely redrafted the substance of the resolution and put in resolves for the submission to the United States Senate of this whole question	632, 633
Pollock, Edward, editor of Lancaster Teller, mentioned in editorial claiming that Democrats were purchased by Stephenson, upon which ninth specific charge was based. is a Republican	621
Pollock, Edward, told me that some one offered him money; I do not know what the sums were; he did not tell me who offered it to him	623, 624
Reason for my filing specific charges against Stephenson, the legislature having defeated the Hustling resolution to make the investigation without specific charges, and it being stated by members of the committee they would not make any inquiry or vote for an investigation without specific charges, I therefore concluded to file the specific charges, with the idea it would bring about an investigation; I thought it was my duty toward public to see that matter was investigated	611, 644, 649
Republican, I am now and was one then	611

Blaine, John J., State senator from sixteenth district of Wisconsin, testimony of—Continued.

Resolution as corrected, which became subject of inquiry, was drafted by myself, and I presented it to the committee late in the session of 1911; it was brought out upon floor of senate and was put over from time to time at my request and finally sent back to our committee; no investigation in State legislature based upon it; merely related to reference of matter to United States Senate; I do not think resolution purports to refer specific charges.....	634
Resolution introduced by Senator Husting and substitute amendment thereto introduced by the judiciary committee of the State senate, with letter of transmittal from Blaine.....	649, 650, 651
Reynolds, Thomas, assemblyman from Door County, told me that he had received pay, but that he did not consider that it was a violation of any law; said he received money to work for Stephenson from Stephenson personally.....	628, 629
Second specific charge against Stephenson, based upon violation of section 4542b of statute; Edmonds having stated he had \$106,000 to be disbursed through him, I could only conclude it was to be disbursed to individuals, and if any amount of it were paid to an individual to do something in the primary election and paid as a valuable thing, it violated statute; charge based upon my interpretation of law rather than knowledge as to character of disbursements.....	602
Senator, my position was not to support anyone in the legislature until the investigation was closed; I cast my vote on the several days for various men—all Republicans.....	611, 612
Seventh specific charge against Stephenson; made on information from Stevens and Eastman; I have no personal knowledge that either of them used the money for any purpose.....	616, 619
Sixteenth specific charge against Stephenson.....	631
Sixth specific charge, I have not examined the testimony to ascertain if only \$450 has been paid; I take the chairman's statement for that; and that information can be corrected, as \$450 instead of \$1,000—a pretty close guess.....	616
Sixth specific charge against Stephenson, my best recollection is that that was contained in an editorial published in the Appleton Crescent, Appleton, Wis.; I do not seem to have the editorial and do not believe it was produced before the other committee; I did not have time to ascertain upon what editorial was based; I am quite positive editorial stated \$1,000 as sum paid to Morse; did not make charge under oath.....	613, 616
Specific charges against Stephenson, I have no personal knowledge and did not have when I filed them, that the primary nomination or election of Stephenson was obtained by the use of large sums of money corruptly and illegally used; I have no other charges to make based upon facts within my personal knowledge; no other charges than mine were filed or made basis of examination into validity of Stephenson's election.....	631, 632
Specific charges, based upon a public belief of the general charges taken as a whole, that the election was obtained by the methods set forth in the charges.....	642
Specific charges, I made them irrespective of whether I had sufficient evidence to sustain them; wholly with object of having an investigation...	644
Statute, in regard to bribery in connection with caucus, section 4542b; statute providing for punishment of same, 4542a; extending provision of this act to primary elections.....	600, 601, 602
Statute, section 4543b, in connection with testimony as to twelfth specific charge.....	629
Statute, with regard to bribery, section 4478, 4478a, and 4479.....	604, 605
Statutes, mentioned in charges, I can not state positively whether there has been any judicial construction of them by the local courts.....	644
Stephenson, as member of State senate in session commencing in January, 1909, I participated in investigation affecting his election; I presented a substitute resolution and filed specific charges.....	593
Stephenson, I do not know personally whether or not it is true he or his agents paid to an elector of the State of a different political opinion any money.....	623
Stephenson, I have no personal knowledge of any facts touching his nomination or election which would challenge the validity of either of them.	635, 643, 644

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Blaine, John J., State senator from sixteenth district of Wisconsin, testimony of—Continued.	
Stephenson, I was opposed to him both in the primary and subsequently.	610
Stevens, I have known him since early in the nineties; I think, generally speaking, he is a man of character and standing in his community; I will not say he has a good reputation for truth and veracity; I do not know how much of the testimony I gave before the joint committee he denied; I did not read his testimony.....	646
Stevens, L. H., said that he was going to be paid more than \$5 a day and expenses for working for Stephenson and "picking" off Hatton and McGovern men; would get men to work for Stephenson instead of Hatton and McGovern; he said he would pay them for their services; I do not know what services he meant; I do not know whether he did pay money to other persons.....	617, 618
Stevens mentioned Austin when he was talking to me; said he had been trying to get him to work for Stephenson; said he was hiring all the people he could; I do not know whether he tried to hire Austin; he said he wanted to know of me about Austin; I told him he was a Democrat; he said he knew it and he could not get him.....	622
Stone, James A., his letter to me as printed in record of joint legislative committee; original letter was delivered to legislative committee; I read a copy of it to committee; there were eliminations in copy as I read it, which referred to a subsequent campaign of a public man in this State and I considered had no relation to investigation.....	607, 608
Stone letter, recollect I handed it to the chairman in Madison; it had the date upon it then; I have not seen it since; I do not know whether I handed it to Mr. Marsh, chairman of the committee, or to the committee; so far as I know it must be in possession of committee; I do not know how he came to write me the letter; never talked with him about charges before he wrote it.....	647, 648
Tenth specific charge against Stephenson was the result of having read an editorial in the Lancaster Teller and talked to Mr. Pollock, the editor; motive for making charge, holding the position of State senator, I thought it my duty; I did not expect to sustain it from my own knowledge; I could not; I had a strong belief on which to sustain it....	623, 624, 625, 642, 643
Term commenced in January, 1909, and expires in January, 1913.....	592
Third specific charge against Stephenson follows and was based on same information I had in reference to charges 1 and 2; it was to be inclusive; based upon section 4478 of statute which defines bribery differently from sections covered in first two charges, and I put that in as a conclusion, so that that section would be covered; section 4478 uses the word "corruptly" and that is why I used it in this charge; have no knowledge of any specific acts upon which to base the charge of bribing and corrupting.	603, 604, 605, 606
Thirteenth specific charge, based upon information received from Henry C. Campbell, of Milwaukee; I did not investigate the facts to ascertain whether they were with foundation; I have no personal knowledge that E. M. Heyser or Max Sells did the things charged in; Campbell did not claim to know the facts; recollect he said W. D. Connor, of Marshfield, had given him the information; I do not know whether Connor knows the facts.....	629, 630, 643
Tilton, Lester, I do not know that any sum was paid to him as charged; I saw a letter from him to Alyward; I only knew him by reputation as some one living in Neillsville at that time; I did not know him; I did not have a conference with him.....	626, 627
Twelfth specific charge against Stephenson, mean by it that he had paid money to candidates for the assembly and senate as candidates.....	628
Written documents, declined to furnish them to committee, by reason of fact they were at home in my office safe; I have given committee everything that was in office safe: comprised of a letter from Stone and data where I took down the statements of parties, and I guess the Teller editorial.....	648
Blaine, John J., letter to, dated January 22, 1909, in regard to investigation of Stephenson.....	1480
Blaine, John J., statement made by, before this committee in regard to Eastman conversation, not made by, before the joint investigating committee.	2027, 2028, 2029

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Bowman, H. A., deputy game warden in 1908, Genesee, Wis., testimony of....	984
Account, Stone did not ask me to make one of \$1,250; I gave no account of it to him or anybody else; I received none for sums I paid out; I did not ask men for them.....	991
Bissonette, Edwin, with General Fire Extinguisher Co., Milwaukee, paid him \$300; told him he should use it in his best judgment for Stephenson primary campaign—seeing that literature was kept up, and making a list of voters that were favorable to him; he was to use it as he saw fit; I do not know what he did with it; he did not render an account; nothing said by me about where he should use it.....	985, 986
Campaign, my activities extended over two or three weeks, latter part of August.....	992
Clark, Robert, I am not sure whether he was a game warden at that time, or whether he quit shortly before that; lived at Palmyra; I gave him \$150 to use in interest of Stephenson; Edmonds asked me if I knew any good worker in Jefferson County, and I think I remember mentioning the name of Clark; I do not know whether he paid any of it out; he did not make a statement to me; paid him another \$100.....	984, 985, 986, 988
Edmonds received \$150 from him about middle of August; I think that was given to Robert Clark.....	984
Expenses, as game warden, did not keep account of it separate from expenses incurred for Stephenson; charged mileage and hotel bills to State and not to Stephenson; livery hire in connection with services as game warden charged to State in connection with campaign work disbursed out of Stephenson money.....	991, 992
Game warden was on duty as one and receiving compensation at the time I was campaigning; received \$3.50 a day and expenses; do not remember what my expense account as game warden was at that time; duties as..	991, 992
“General, August 31, \$20,” I have no recollection of that item; I never received any such amount.....	993
Hitchon, C. E., in hotel and saloon business, Marinette, home of Stephenson; I paid him \$450; I did not have an account from him; do not know how he expended it; I had a talk with him and thought he was in a position to do some good work in northern part of Marinette County; he was to see that literature was kept up, get people to make lists of Stephenson supporters, and get men at polls primary day.....	987, 989, 992
Johnson, C. W., Oskosh, paid him \$50 to use in interest of Stephenson's primary campaign; I do not know what he did with it; he did not render an account.....	986
Jones, John, Genesee, paid him \$20 for putting up lithographs of Stephenson and distributing literature.....	987
Money, did not spend any portion of it for purpose of purchasing or corrupting any elector; so far as I know, none spent that way by men to whom I gave money.....	988, 993
Money, I received no instructions as to use, with the exception that I should use it in interest of Stephenson; I was at liberty to give it to any person that I might see fit.....	987
Stephenson, commenced to support him as soon as he announced his candidacy.....	984
Stone, J. W., I received \$1,250 from him about the middle of August; in three payments; I received \$500 in first payment; and the second payment, I think, was \$500; I do not remember whether it was \$750, or whether he paid me \$500 and the balance later; I think the last payment was a check; I know he paid me some money in Madison.....	984, 990, 991
Sum of \$205, spent in traveling, railroad fare, livery rigs, meals, and cigars; spent possibly \$25 or \$30 for railroad fare; spent probably \$20 or \$25 for hotel bills; spent possibly \$50 for drinks, cigars, and treats; spent, may be, \$30 or \$40 for livery hire.....	988
Tuttle, E. W., Oconomowoc, I paid him \$125; had a general talk with him in which I suggested that it be used in keeping up Stephenson literature, making lists of voters who were his supporters, and seeing that the voters on these lists got to polls primary day; I do not know whether he spent any of it for drinks or cigars; I would not think he was a man who would make a saloon campaign; he was a game warden.....	985
Van Cleve, J. A., I knew him by sight; did not know he had charge of the campaign in Stephenson's home county; did not occur to me Stephenson and his friends could look after that county.....	989, 990

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Boyle, Louis C., station agent of Chicago, Milwaukee & St. Paul Railroad Co., Viroqua, Wis., affidavit of.....	1997
Age, 55 years.....	1997
Campaign fund, received from, sum of \$125.80, part of the \$500 sent to Morley for use in Vernon County; disbursed same, \$20 for personal expenses in travel, and \$105.80 in securing precinct workers and distributing lithographs, etc., in and about the county; precinct workers paid by check, which were destroyed by fire; names of few precinct workers given; instructions given to; none employed unless at time of employment were supporters of Stephenson.....	1997, 1998
Campaign in Vernon County carried on for less expense than any previous campaign within his knowledge.....	1998
Campaign work done for Stephenson in primary contest in Viroqua and county of Vernon, in company with Calvin E. Morley, working with him and separately, at the request of Edmonds and Morley; no particular instructions given; used own judgment.....	1997
Madison investigation, not called as witness at.....	1998
Money not disbursed for the purpose of corruptly or unlawfully influencing or bribing any person.....	1998
Statement of expenses and disbursements, never called upon for itemized..	1998
Stephenson, supporter of, before he did any work for, and not on account of any employment.....	1997
Vernon County, 33 precincts in.....	1998
Viroqua, resided in about 32 years past.....	1997
Brady, Charles E., lawyer, Manitowoc, Wis., testimony of.....	1278
Affidavit, filed with legislative investigating committee:	
Account of expenditures, as nearly as affiant can recollect the facts, grouped in round numbers.....	1282
Assembly candidates, Ledvina and Wehrein, talked to by affiant on subject of senatorial contest, stated they would support nominee of primary.....	1283
Balkansky, David, paid \$10 or \$15 for work and expenses of trip through county.....	1282
Chairman of Republican county committee, not at time of becoming interested in Stephenson primary campaign; later elected.....	1280
Compensation, affiant did not ask or receive any of any kind for services primary campaign.....	1282
Crocker, Arthur, Manitowoc, paid \$15, as affiant remembers, for two days' work and livery hire and expenses for trip through county....	1282
Daily News Publishing Co., paid \$20 for advertising space.....	1281
Draft for \$500 cashed by affiant; used in campaign for postage to distribute literature; for 1,000 personal letters sent to Republican voters in county; for copies of poll lists sent to Milwaukee; for lists of influential workers; for telegraph and telephone expenses; for advertising; and to various workers; personal expenses of affiant not paid out of sum; no part spent in interest of assembly candidates.....	1281, 1282
Edmonds, invitations received by affiant in early part of August to visit at Milwaukee headquarters and consult in regard to campaign in Manitowoc County; went to Milwaukee and met him; affiant informed him he was doing work for Stephenson and stated he would not accept compensation and did not wish to handle money and had tacit agreement with that Dr. Gehbe should assume control of management of campaign in said county.....	1280
Edmonds, some time after conversation with in Milwaukee, affiant received a letter from Stephenson headquarters containing a draft or check for \$500, with request that money be used according to his best judgment in promoting interests of Stephenson in county and for work on election day.....	1280, 1281
Edmonds, when offered itemized account kept during campaign, said he would much prefer not to take it so long as he had not received such statements from all other persons similarly situated; R. J. White of Milwaukee present during conversation.....	1282
Gehbe, Dr. F. H., draft of \$200 received from headquarters indorsed over to; affiant never received any part of and has no knowledge of what use was made of same.....	1282

Brady, Charles E., lawyer, Manitowoc, Wis., testimony of—Continued.	
Affidavit, filed with legislative investigating committee—Continued.	
List of workers not kept by affiant; never kept in previous campaigns conducted by him.....	1282
Manitowoc, city of, \$100 was expended in and in payment of time and expenses of two or three men sent out on trips.....	1282
Money, so far as affiant knows not spent for any illegal purpose.....	1282
Ohde, William F., paid \$40 for advertising space on score cards used during Manitowoc County fair.....	1281
Stephenson, was supporter of from time he announced his candidacy.	1280
Stephenson campaign in Manitowoc County, received two bank drafts for, one of \$500 and one of \$200.....	1280
Two Rivers, \$75 spent there for expenses and time of men who worked in interest of Stephenson and for their work election day.....	1282
Workers, none paid more than \$15; all known to be Stephenson supporters at time hired.....	1282
Hoffman, Edward, Manitowoc, paid him \$15 for interviewing people prior to election day and for poll work primary day.....	1279
Memorandum, kept detailed one during campaign; presented it to Edmonds in Milwaukee after the campaign and he stated in substance that he had not required accounts from others; so after I got home I destroyed the memoranda, together with whatever matter I had relative to the campaign.....	1278
Plumb, R. G., Manitowoc, paid him \$15 for his time in interviewing people previous to election day and for poll work election day.....	1279
Stephenson campaign in 1908, took part in; paid all money received out to others; did not keep a cent.....	1278
Wisconsin, resided in, all my life.....	1278
Bratz, William C., insurance agent and mayor of West Bend, Wis., affidavit of.	2127
Advertising and other expenses, disbursed about \$108.96 for.....	2128
Age, 63 years.....	2127
Campaign committee, received \$308.96 from.....	2128
Campaign work done in primary contest, putting in about one month's time, at request of campaign managers at Milwaukee; told should receive a reasonable compensation for time and would be reimbursed for legitimate expenses necessarily incurred and made in advancing Stephenson's interest; traveled about precincts of Washington County; visited great many people and presented the merits of the Senator's campaign..	2127
Compensation, retained about \$200 as, for time actually devoted to the campaign.....	2128
Disbursements made by way of special advertising in newspapers, and circulating and posting up or causing to be posted lithographs and other campaign material, considerable expense for livery and other conveyances; at some expense for entertainment, cigars, etc.....	2127
Madison investigation, not called as a witness at.....	2128
Money not disbursed for the purpose of corruptly or unlawfully influencing or bribing any person.....	2128
Poll workers, employed a number of; no one employed who was not at the time a supporter of the Senator; unable to remember the names of; recalls two.....	2127, 2128
Statement of expenses, never called upon to render an itemized; did not keep strict account of disbursements; never accustomed to keep account in previous campaigns.....	2128
Stephenson, supporter of, before any work was done for.....	2127
Washington County contains 22 precincts.....	2127
Washington County, resided in, for more than past 50 years.....	2127
Bribery, corruption, and illegal voting, provisions of statutes with regard to.....	329, 601, 604, 605, 629, 677
Brown, Harry J., son-in-law of Senator Stephenson, and cashier of Stephenson National Bank of Marinette, Wis., testimony of.	438
Campaign disbursements, only connection I had with, either as individual or official was in payment to J. A. Van Cleve.....	439
Money, never disbursed any in Stephenson campaign other than to J. A. Van Cleve; do not know of any expended in addition to expenditures set forth in account filed with secretary of state; have no knowledge Stephenson disbursed other than sums testified to here before this committee.....	439, 440

Brown, Harry J., son-in-law of Senator Stephenson, and cashier of Stephenson National Bank of Marinette, Wis., testimony of—Continued.

Van Cleve, J. A., paid him \$792.75 to be used in connection with Stephenson campaign; check to draw about September 15 against "L. Stephenson rent account," of which I have charge as agent; itemized statement rendered by, delivered to Stephenson's office; included livery and printing bills and certain amounts to individuals; never heard any suggestion that expenditures by, were improper..... 438, 439, 440

C.

Calkins, L. A., practicing lawyer, Green Bay, Wis., affidavit of.....	1998
Age, 51 years.....	1998
Campaign headquarters at Milwaukee, received from, \$760; personal expenses amounted to \$250; charge for services covering a period of about three weeks, was \$210; other disbursements itemized.....	1998, 1999
Campaign work for Stephenson in Green Bay and Brown County during primary contest, at the request of Edmonds, who gave no instructions as to the method of campaigning, excepting he told him he wanted him to work in campaign for Stephenson at Green Bay and as much in the county as possible, and disbursements would be paid and a reasonable compensation also paid.....	1998
District attorney of Brown County for two years.....	1998
Green Bay, resided in, about 18 years past.....	1998
Green Bay, 10 precincts in.....	1999
Headquarters established in law office in Green Bay, about August 10, 1908; devoted practically entire time carrying on correspondence, engaging office help, procuring preparation of advertising material, causing campaign articles to be printed in newspapers, hiring necessary conveyances for bringing people to polls, engaging livery rigs for travel about the county, and employing precinct workers.....	1998
Judge of the criminal court of Ashland County, Wis., for five years, prior to residence at Green Bay.....	1998
Madison investigation, not called as witness at.....	1999
Memoranda of disbursements, kept no detailed, excepting receipted bills, which he is unable to find and produce, although he has looked for them..	1999
Money not disbursed for the purpose of corruptly or unlawfully influencing or bribing any person.....	1999
Precinct workers, unable to remember any considerable number of; employed many on recommendation of others; names of four given; none employed unless they were supporters of Stephenson at time of employment.....	1999
Statement, itemized, never called upon for, by campaign committee.....	1999
Campaign, cost of conducting in Wisconsin, as to admission of testimony in regard to.....	772, 773, 795, 796, 797, 798, 799, 800, 801, 802, 803, 900, 2039, 2040
Candidates for the legislature, copies of letters from Stephenson, stating he could not, under the law, give any assistance toward the election of....	2038, 2039
Checks used by Edmonds, drawn on his account in the National Exchange Bank.....	1255, 2025
Checks used by Stephenson in primary campaign.....	1255, 2025
Clark, Robert B., traveling salesman, Fort Atkinson, Wis., affidavit of.....	1999
Age, 30 years.....	1999
Campaign work in the south half of Jefferson County during primary contest, at the request of Harry Bowman; principal work instructed to do was to canvass towns, getting list of Stephenson men, circulating and posting literature, lithographs, etc., and advocating election of Stephenson, and to have as many friends as possible at the polls on primary day to advocate Stephenson's election; work covered period of about three weeks.....	1999
Expenses detailed amounting to about \$100, and compensation for services, \$150.....	1999
Jefferson County, resided in, for past 30 years.....	1999
Madison investigation, not called as witness in.....	1999
Money not disbursed for the purpose of corruptly or unlawfully influencing or bribing any person.....	1999
Statement of expenses, never called upon to furnish itemized.....	1999

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Clary, T. L., railroad conductor, Milwaukee, Wis., testimony of.....	1883
Money, received or expended none in connection with Senator Stephenson's election; was never a member of the firm of Cleary & Klumb.....	1883
Cleary, M. J., lawyer, Blanchardville, Wis., called as a witness and excused ..	834
Cleary, Morris, of the firm of Cleary & Klumb, not obtainable as a witness.....	1932, 1933, 1963
Conversations, objection of counsel for Stephenson to witness stating conclusions of.....	573, 574, 575, 576
Cook, Wirt H., lumber and timber business, Duluth, Minn., testimony of.....	1353
Blaine, Senator, never heard of, in my life; did not know anything about any charges filed by.....	1368
Cloquet Lumber Co. came into Virginia & Rainy Lake Co. in fall of 1908.	1356
Crownhart, do not know anyone by that name.....	1367
Duluth, Rainy Lake & Winnipeg Railroad, was president of, for awhile..	1356
Grand Pacific Hotel, overheard conversation between Hines and Turrish in, on or about May 1, 1909; stop there sometimes when in Chicago.	1362, 1384, 1385
Haley, Dan, conversation with, about trouble between Shields and Hines; had sent to Stephenson to pay half; was refused, as Senator said he had paid twice what the job was worth already; Hines sent Cusson to Superior to fix matter up with Shields.....	1360, 1368, 1369
Haley, conversation with, after meeting in McCordic's office, told of interview with Gov. Morris and subject matter of that conference; suggested he should see Shields; more than one talk on this matter.....	1378
Haley, conversation with, claims Shields still stuck to Hines for money and was finally settled for \$7,500 and further consideration in certain line of fire insurance; associate had in mind when talked to Gov. Morris in McCordic's office.....	1360, 1370, 1374
Haley, vice president of Trout Lake Lumber Co., conversation with, after meeting Shields on train, about trouble between Shields and Hines at Madison; Shields wanted pay in connection with election of Stephenson, claimed Hines promised \$15,000; Hines called him blackmailer and had taken up matter with Harper; trouble again in Chicago, about same thing.....	1359, 1368, 1369
Harper-Shields Agency got nearly all of Virginia & Rainy Lake Co.'s insurance business after Hines came in; offices in Duluth, Minn., and Superior, Wis.....	1357
Hines, never was on friendly terms with; never discussed Stephenson case with.....	1360, 1362
Husting, Senator, from Wisconsin, met in McCordic's office; was present at conversation held with Gov. Morris; promised him to see Shields as soon as possible.....	1364, 1365, 1367, 1371
Ketcham, J. G., occupied offices with, since last May or June; sales manager for Trout Lake Lumber Co.....	1357
LaSalle Hotel, Chicago, met Shields accidentally, in lobby of; no reference made to invitation to my office in Duluth; referred to matter with Hines, said he did not blame me for going after him, but if I hurt him he would shoot me; he was excited, and could not get him to talk any further; no reference made to conversation on train.....	1377, 1378, 1379, 1387
McCordic, A. E., my attorney, offices, ninth floor Rookery Building, Chicago, had lived in Duluth; always go to his office to write letters and attend to correspondence when there; went there morning after returning from Springfield where I had testified in Helm committee, for no unusual reason or appointment; was informed some gentlemen from Wisconsin wished to see me.....	1363, 1364, 1371, 1372, 1373, 1380, 1381
McCordic, A. E., promised would communicate with after meeting there in spring at his office as soon as I could see Shields.....	1373, 1377
McCordic, A. E., talked over matter of information I had relative to Stephenson election, just as I had done about Lorimer investigation.....	1373
Maluski, George, my stenographer, 1909; present address, in office of Wm. O'Brien, Duluth, Minn.....	1357
Meeting at McCordic's office, with Gov. Morris, Senator Husting, and Mr. Titus; this was the first information they had on subject of my conversation on train with Shields, so far as I know.....	1375
Morris, Lieut. Gov., conversation with in McCordic's office, gave substance of talk with Shields on train; understood nothing was to be said outside of office; all I knew was hearsay, except about meeting Shields on train; had better go to Shields for information; denial of statements he claims I made.....	1367, 1368, 1369, 1372, 1376

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Cook, Wirt H., lumber and timber business, Duluth, Minn., testimony of— Con.	
Morris, met once in Chicago at McCordic's office last spring, told him had heard Hines had raised \$100,000 or \$115,000 to elect Senator Stephenson; never mentioned Stephenson's name in connection with raising of money, nor said Shields had been to Washington; did not state any part of money was used to keep Democrats out of session.....	1363-1367, 1379
O'Brien, president of Trout Lake Co., name was not mentioned at meeting with Gov. Morris in McCordic's office; have no information from; in business with.....	1353, 1374, 1384
Reader, special train for, to bring to legislature, never said had to have...	1379
Sanderson, do not know anyone by that name.....	1367
Shields, R. J.:	
Conversation with, first and only, on subject of election, on North Western train between Duluth and Chicago in fall of 1909, referred indirectly to election; joked with about settling so cheap, as I had heard it from Haley understood was going to get \$15,000 and settled for \$7,500.....	1358, 1360, 1375, 1376, 1384-1387
Conversation with, on train, in fall of 1909, admitted trouble with Hines at Madison, which made me think it was the Stephenson case; said it was all fixed up; did not speak of what terms of settlement had been; did not tell him from whom I had heard about trouble; took place before meeting in McCordic's office.....	1360-1363, 1374-1376, 1386
Conversation with, on train, in reference to senatorial job; told Haley did not want to see me; understood was engaged in looking up witnesses on a Pullman car in connection with conversation made by a Mr. Weihe.....	1376, 1379, 1382
Never had any conversation with, in 1908 or 1909, in reference to campaign or election of Senator Stephenson; never heard him in offices at Duluth discuss or make any statement in reference to the candidacy or election of Stephenson as United States Senator.....	1358
Never met, at office of Trout Lake Lumber Co.; have seen in offices of Virginia & Rainy Lake Co. with Mr. Cusson, manager; came to see no one in particular.....	1355, 1357, 1359
Saw him after meeting in McCordic's office in Chicago, tried to get him to go down to Madison and tell the truth; promised to come to my office within three-quarters of an hour after I left him, but did not; did not say why I wanted him; never saw him any more for quite a while, and then matter was not discussed.....	1370, 1371, 1377
Titus, attorney general or assistant attorney general, met in McCordic's office last spring; think have met him prior to that; did not write him a letter.....	1364, 1372, 1381
Trout Lake Lumber Co., secretary and treasurer of; organized about a month ago; offices at Duluth, Minn., separate, but in same building with Virginia & Rainy Lake Co.; officers of, Wm. O'Brien, president; Anderson, treasurer; and G. D. Jones, secretary, who lived in Wausau, Wis., and force of bookkeepers and stenographers.....	1353, 1354, 1355, 1357
Turrish, Henry, formerly partner with, in timber business; lives in Duluth, but has gone West at present time.....	1386, 1387
Turrish, Henry, in conversation with Hines, asked how he was getting on down in Washington, replied he was having a hell of a time; for instance, there was Stephenson, whom he had gotten elected and now was working for free lumber; he had a terrible time getting him lined up.....	1362, 1363, 1382-1384, 1386
Virginia & Rainy Lake Co., am a stockholder and director in; organized, July 31, 1905; officers of, Edward Hines, president; Wm. O'Brien, vice president; H. C. Hornby, secretary; and F. E. Weyerhaeuser, jr., treasurer; offices, main, at Virginia, Minn., and sales at Duluth, just established last spring.....	1353, 1354, 1355
Virginia & Rainy Lake Co., have never been in offices at Duluth; in offices at Virginia last time March 8.....	1354
Virginia & Rainy Lake Co., was active manager of, until December 18 or 19, 1908, after primary in Wisconsin; had three rooms cut off then, for own use.....	1356
Washburn, Bailey & Mitchell, my attorneys in Duluth.....	1382
Walsh, J. F., brother-in-law, timber man, occupied offices with me for number of years.....	1356
Corporation, contribution of, to a campaign fund, statute with reference to....	361

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Corruption, bribery, and illegal voting, provisions of statutes with regard to...	329, 601, 604, 605, 629, 677
Cost of conducting campaign in Wisconsin, as to admission of testimony in regard to.....	772, 773, 795, 796, 797, 798, 799, 800, 801, 802, 803, 900, 2039, 2040
Counsel for Senator Isaac Stephenson entered.....	1
Cowie, Robert S., Whitehall, Wis., testimony of.....	1097
Assembly fight, my activity did not begin in the primary at all; talked with man I favored, but it went no further than consulting with him; I took a very active part after the primary in joint election in behalf of the Republican ticket; made some campaign speeches for assembly candidate.....	1099
Edmonds, asked me to do this work and I told him I would, but that I did not feel that I could afford to pay my own expenses traveling around; told him I would expect to be reimbursed for my expenses, and a couple of weeks after he sent me check for \$150; that is all the talk I ever had with him.....	1100
Edmonds, understanding I had with him when I was called to Milwaukee was that I was to travel around and ascertain the sentiment in three counties; I merely furnished him with the names of the leading men and newspaper men in different sections, with the statement of their leaning toward Stephenson and the different candidates; told him I was occupying an office in which I did not think it would be proper for me to act as campaign manager.....	1098
Expenses, money used for; I think I had a deficit, but I never reported it; included hotel bills, railroad fare, livery hire, etc.; did not keep an account of them; not called on for one.....	1099, 1100
Money, not used by me or, as far as I know, by those with whom I had conferences, for the purpose of bribing or corruptly influencing voters..	1100
Money, received \$150 from Stephenson fund in latter part of July or early in August, 1908, to reimburse me for expenses incurred for traveling around looking up the situation for Edmonds and Stephenson; not a cent retained for services.....	1098, 1100
Offices held, was county judge of Trempealeau County during campaign; it was a four-year term, which terminated two years ago; resigned to go on State board of control; was district attorney of Trempealeau County for five years.....	1099
Stephenson, felt it my duty to support him in joint election, he being Republican nominee; did no more than that.....	1099
Stephenson, supported him for the United States Senate; I had written to him before I entered upon this service, encouraging him to enter the race and offering him my support.....	1098
Whitehall, resident of 10 or 12 years.....	1097
Cowling, excused from testifying in regard to cost of running a campaign..	2039, 2040
Cox, Lemuel B., farmer, Onalaska, Wis., affidavit of.....	2000
Age, 65 years.....	2000
Campaign headquarters at Milwaukee, received from, \$175; \$135 expended to different individuals to put up posters and pennants and circulate campaign literature; in preparing poll lists for benefit of headquarters at Milwaukee \$40 was expended.....	2000
Campaign work for Stephenson in county of La Crosse during primary contest; was volunteered, and he received no instructions; was informed personal expenses would be paid, and other legitimate expense would be taken care of by the campaign committee; covered period of 60 days.....	2000
La Crosse County, had charge of 16 precincts in.....	2000
La Crosse County, resided in, about past 60 years.....	2000
Madison investigation, not called as witness in.....	2000
Memoranda of disbursements, expenses, etc., kept; been mislaid and he is unable to find it.....	2000
Money not disbursed for the purpose of corruptly or unlawfully influencing or bribing any person.....	2000
Nomination papers circulated for Stephenson.....	2000
Personal expenses, about \$40; also expended some of his own money in the interest of Stephenson.....	2000
Poll workers employed, does not remember their names; \$90 expended for; not engaged unless they were Stephenson men before they were employed.....	2000

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Cox, Lemuel B., farmer, Onalaska, Wis., affidavit of—Continued.	
Services, never received anything for, in the campaign.....	2000
Statement of disbursements, never been called on for itemized.....	2000
Stephenson, supporter of, before he did any work; had personally known him for a great many years.....	2000
Teams hired to get voters to the polls.....	2000
Curran, John D., hotel keeper, Stevens Point, Wis., affidavit of.	2000
Age, 65 years.....	2000
Campaign work for Stephenson in Stevens Point and Portage County during primary contest at request of campaign managers at Milwaukee; no instructions given except to engage precinct workers needed and advocate election of Stephenson, look after keeping of posters and lithographs, and furnish names; service covered two weeks; generally occupied in traveling about county.....	2001
Madison investigation, not called as witness at.....	2001
Memoranda of disbursements, kept no detailed, as they were incurred....	2001
Money not disbursed for the purpose of corruptly or unlawfully influencing or bribing any person.....	2001
Money received for distribution and for own services, \$250; had done considerable work before the receipt of any.....	2001
Portage County, about 20 precincts in.....	2001
Personal expenses, including Weisner's, about \$100; consisted of livery hire, hotel expenses, entertainment, cigars, etc.....	2001
Precinct workers employed; unable to give the names of, because employed by either Weisner or else introduced by other men; about \$150 expended for; none employed unless they were supporters of Stephenson at time of employment.....	2001
Statement of disbursements, at no time called upon to render itemized..	2001
Stephenson, supporter of at all times irrespective of his engagement to work.....	2001
Stevens Point, resided in about past 50 years.....	2000
Weisner, Leo, of Stevens Point, assisting affiant principally.....	2001

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Dart, George W., Montello, Wis., testimony of.	974
Account, I did not render one for any of money; do not think I was requested to furnish one.....	979
Carter, Johnny, lives in Buffalo, gave him either \$5 or \$10 to go to see fellows over there and take his team and fetch them in primary day...	977
Dart, George H., my son, I gave him all of first \$50 received; he hired a rig and went around putting up lithographs and campaign literature...	975
Edmonds, sent me \$400 in a check; I paid part of to men to take teams and fetch voters out primary day; I paid it all out.....	975, 979, 983
Field, Frank, made him the biggest payment, \$50; gave him that to go up through the edge of Adams County and through the town of Douglas; he was running a creamery at Mellenville and was well acquainted all through there; was in favor of Stephenson; I called on him and met him at Pewaukee and gave him the \$50 and sent him out through there to do what he could with his friends; I do not know what he spent it for.	976, 977
Game warden, I was a deputy at that time; was performing duties as game warden.....	974, 979, 983
Literature, I paid others for putting it out.....	976
Men to whom I gave money did not pay it out in my presence.....	978
Money, I spent three-fourths of it for workers; spent something like \$100 for cigars and treating.....	979
Money, none used by me, or as far as I know by men to whom I paid it, for purpose of bribing or corruptly influencing electors.....	983
Money, received \$450 to be used in behalf of Stephenson in 1908 campaign.	974
Money, when I got through I thought I had spent some of my own.....	978, 979
Names of people to whom I paid money, I think I paid some of them \$3 and some of them \$5; paid to bring people to polls; were friends of Stephenson or they would not have got anything.....	980, 981, 982
Saloons, my former testimony that I spent quite a lot of money in, is true.	976
Stephenson fund, I did not contribute to it; did not aid in raising one for campaign.....	982

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Dart, George W., Montello, Wis., testimony of—Continued.	
Stone, J. W., State game warden, received first \$50 from him; told me I was to help Stephenson as much as I could with that money.....	974
Sum of \$400, when I got it, I put it in my pocket, and did not keep it in my pocket; it went until it was gone; I think I must have got the check about the 20th of August; it was all gone before the primary; I think the heft of it was spent probably in a couple of days.....	978
Taggets, Herman, I think I gave him \$5.....	977
Trips, used my own team on them; that I charged up to the State; and when I drove any nights, I paid that out of the Stephenson fund; was engaged in work as game warden; when I put that \$400 in I was out on a trip; I went around I think three or four days	983
Williamson, Leslie, I think I gave him \$10 to go to see people around where he lived, in the town of Buffalo and Pewaukee.....	977
Davies, D. H., State treasury agent, Milwaukee, Wis., testimony of	1403
Edmonds, received money from, about \$40 or \$50, while in Madison..	1405, 1406
Employed to keep tab on members of assembly; received \$5 a day and expenses; was in and about the halls of the legislature part of the time I was in Madison.....	1404
Leuch, did not tell him I had authority to say that he could have anything he wanted if he would stay in the joint convention and vote; do not remember any conversation with him to such effect; was not authorized to make any such promise.....	1404, 1405
Money, do not know of any spent, either directly or indirectly for the purpose of bribing or corruptly or unlawfully influencing any electors in the primary election in the interest of Senator Stephenson.....	1407
Money, spent none, either directly or indirectly, in connection with the senatorial contest.....	1405
Overbeck, received check from; do not remember the amount.....	1405, 1406
State treasury agent, held office of two years and two months; appointed by Gov. Davidson; am holding over.....	1406
Dee, George E., editor and proprietor of the Chippewa Herald, Chippewa Falls, Wis., testimony of	1218
Advertisements for Stephenson inserted in both daily and weekly editions.....	1229
Advertising for Stephenson, my testimony before former committee that I did not publish any between the time I saw Ring and August 18 is correct.....	1229, 1230
Advertising material concerning Stephenson, I may have written some of the articles and some were sent from headquarters and some I took from other papers; Ring did not send me any material; would not say whether or not he sent articles from headquarters; I might have got some "boiler plate" from him; we had a cut of Stephenson; I do not recall from what source it came.....	1219
Advertising rates, former committee wanted to hold it down to a commercial business; but in any advertising campaign we are allowed leeway on the preparation of copy; where you expend professional services you charge a little more than commercial rate.....	1233
Advertising rates, sliding scale of; sometimes if we insert an advertisement where there is liable to be a loss of business to the paper through some friends in our community we may expect a little higher price for that...	1224
Article headed "Ling, Eleventh-Hour Candidate," I wrote it; considered good political stuff; it probably would not look exactly like an advertisement, yet it was done in the interest of Stephenson; it was political newspaper work.....	1228
Article in my issue of August 6; I could not state whether it was published before or after I saw Ring; it was clipped as a press dispatch from some Milwaukee paper; can not say how it happened to get in Herald; would probably not consider it favorable to Stephenson; I do not always see everything that goes in paper; not significant as to Stephenson's position in race; merely a newspaper man's estimate; news item and not an editorial.....	1227, 1228, 1234
Article published in my paper August 18 given; was after I had arrangement with Ring; I should consider it an advertisement for Stephenson; rate for article on a commercial basis would be 5 cents a line..	1226, 1227, 1232

Dee, George E., editor and proprietor of the Chippewa Herald, Chippewa Falls, Wis., testimony of—Continued.

Business books, I think there is an entry of \$150 item under the head of advertising in cashbook; do not keep a book account of cash transactions; where it is credit business we do; make a statement every year to comply with corporation-tax law; required to state amount of business and we get that from cashbook.....	1230, 1231
Chippewa Falls, in the city, I think we hired two teams to get some voters to the polls and drivers were instructed to ask some of the men they hauled to vote for Stephenson, if they could; but there was no thought of buying any vote.....	1222
Chippewa Falls, resident of 14 years.....	1218
Chippewa Herald, is a Republican paper, is a daily and weekly.....	1218, 1223
Editorial support, articles have frequently appeared in my paper and others throughout the State in interest of some candidacy that may be alleged to be editorials; we call them "boomers;" sometimes we get an editorial from a baking-powder concern, for which they pay us a fair price for inserting; I do not know that we cut it out.....	1224
Edmonds, arranged with him by telephone from Milwaukee to secure poll workers; think \$200 came from him next morning; day after primary he telephoned me and we had a sort of congratulatory talk; did not render him an account; not asked to.....	1225, 1226
Extra copies of Herald sent out, more especially of daily editions; some of weekly editions sent out; sent in general vicinity to people who were not subscribers; had a list of names in office; copied by stenographer from different gazetteers and directories; sometimes sent out as many as four or five hundred in a batch.....	1233, 1235
"Grand Old Man" advertisement was a plate sent out from Milwaukee; former testimony concerning date on which it ran.....	1227, 1228
Hatton, I was originally appointed his manager for Chippewa County; but I withdrew from that and notified them very clearly; withdrew sometime in July; it must have been a couple of weeks before arrangement with Ring.....	1224, 1225
Herald Printing Co. is name of our company; it is incorporated.....	1231
McIntyre, paid him I think \$5 to make a trip up in the Bloomer country..	1222
Men, sent out to employ others, as I recollect not given money; authorized to make contracts with responsible parties and report those.....	1222
Money, I did not receive any from Stephenson or his representatives as a consideration for supporting him in my paper.....	1218, 1219
Money, none used by me or as far as I know by those to whom I intrusted it for purpose of bribing or corruptly influencing electors.....	1234
Political advertisements, I did not classify as to rates; never heard of a newspaper in the country that gets out a rate card on.....	1227, 1229
Poll workers, instructions to; paid from \$3.50 to \$5 a day; individually I think \$5 was about the limit paid any worker; asked them to stay at polls and hand out sample ballots and ask various voters if they had no preference to give their vote to Stephenson.....	1220, 1221, 1222, 1223, 1225
Preston, Charles, Chippewa Falls, I think I gave him some money to secure poll workers up around Cadott and Segal; told me he had gotten two or three good men up in that country and I left it to him.....	1222
Ring, conversation with in my office when contract for advertising was made; I said "If I do any supporting in this campaign it will be for Stephenson;" said he was representing Stephenson committee and would like to make an advertising contract; I named my price as \$150; wanted me to give as much space as I could; no definite arrangement about space made; was fore part of August; contract wholly verbal; prior to that had not supported any other senatorial candidate..	1223, 1224, 1229, 1232
Ring, M. C., Neillsville, received \$150 from him to pay for advertising; he made a contract with me for advertising Stephenson's candidacy; wanted him liberally advertised in columns of Herald; paid me \$50 when contract was made and sent me \$100 later, I think; furnished extra copies of paper as well as advertising.....	1219, 1223, 1229
Rowe, Lewis I., Stanley, I enlisted his services; he said he knew reliable parties in that section who could attend to precincts; and I furnished him with ballots and gave him exact instructions I wished to be carried out.....	1225
Space given to campaign about 277 inches; merely an estimate.....	1233

Dee, George E., editor and proprietor of the Chippewa Herald, Chippewa Falls, Wis., testimony of—Continued.	
Stephenson, do not recall that I said anything favorable to him prior to arrangement with Ring; do not remember saying anything unfavorable in editorial comment prior to that; decided to support him prior to Ring's visit.....	1225, 1234
Stephenson, supported his candidacy in 1908 campaign.....	1218
Sum of \$200 received from headquarters to organize a crew of poll workers for the primary; figured after campaign I had paid out a little more than that; did not keep any of it for compensation; did not keep a record of to whom paid; some of it paid indirectly; received it about five days before primary, all for services election day.....	1219, 1220, 1221, 1222, 1225
Dillingham, William P., chairman of committee appointing subcommittee to investigate charges against Senator Stephenson.....	3, 4
Dolan, P. F., real estate business, Shawano, Wis., testimony of.....	918
Account of disbursements, I kept one because I supposed I would have to answer to somebody, and I wanted to know what I was doing; did not do it by direction of Edmonds.....	922, 923
Auto hire, one day, \$10.....	920
George, D. H., paid him a check of \$8.50 for doing work in the city; to get men to hand out cards at polls on election day.....	920
Literature, labor for addressing and stamping, \$10.....	920
Memorandum in hand is carbon copy of original report made to Edmonds February 2.....	919
Men to hand out Stephenson cards on election day, \$54; I paid them \$3 apiece; there were 18 of them; names of a few given; not duty to bring voters up; just stood at the polls.....	920, 921
Money; did not and, to my knowledge, none to whom I gave money did use it for purpose of bribing or corruptly influencing voters.....	924
Money expended amounted to \$392.90, leaving a balance of \$7.10, for which I sent a check to Edmonds.....	920, 923
Money; I received \$400; think it was from Edmonds; sent me by draft, payable to my order, about August 26, at Shawano.....	918, 919, 923
Personal expense, railroad fare and hotel bills, \$15.....	920
Postage, \$27, was for sending out literature that I got from office in Milwaukee and had printed in Shawano.....	919
Printing bills, Shawano County Advocate, \$18.50, for striking off some printed matter and printing some cards; Shawano Journal, \$8.50; Volksblatte, \$6.....	919, 920
Saloon bill, \$95.90, for beer and cigars for fellows that might be standing around in the saloons; I made the expenditure personally; Edmonds had paid me before I reported item to him; I went to saloons, distributing literature and bought drinks while I was there; not my intention to carry on a saloon campaign.....	920, 921, 923
Sexton employed me; he came up to my office at Shawano to see me; I was busy and refused to go ahead with the work; he insisted, and I told him if he would get a man to handle the eastern part of the county, and also somebody to look after the city, I was well acquainted in the western part and would do that work myself; we agreed Zachow would take the eastern part of county.....	918, 922
Shawano County; I was to organize it in behalf of Stephenson; to get them to work to distribute literature and to hand out cards; details of competition there.....	919, 924
Stephenson, participated in his behalf in campaign of 1908; was for him before I made arrangement with Edmonds; had been for him from about the time he started to carry Bob La Follette on, I think.....	918, 925
Telephoning, \$3.50.....	920
Zachow, W. Z., Shawano, looked after eastern part of county; I paid him \$138; Sexton engaged him; he is a banker and paper manufacturer..	920, 922
Domachowski, Joseph A., member of Legislature of Wisconsin in 1909, testimony of.....	1546
Absence of, I will say I walked out once to break a quorum; never went out or in to help to elect him.....	1553, 1554
Absence of, was not offered money or other inducement to stay out of joint session.....	1546, 1547

Domachowski, Joseph A., member of Legislature of Wisconsin in 1909, testimony of—Continued.

Brown, Neal, regular Democratic candidate; voted for.....	1554
Business of, was with the Prudential Insurance Co.; was painter and decorator.....	1554
Farrell, never told him as to my conversations about offer of \$1,500.....	1553
Money, all talk of being approached with offers of, without foundation....	1548
Money, never offered any, or other valuable consideration to support Senator Stephenson, or to refrain from doing anything to the benefit or success of Senator Stephenson.....	1548
Money, the only talk I had about receiving, was with O'Neal.....	1548
Money, was never offered any, or other inducement, to be absent when vote was being taken on Senatorship.....	1546, 1547, 1548
O'Neal, conversation with; he said, "Joe, how much did it take to turn you over?" I said, "Fifteen hundred;" he said, "Is that so?" I said "Yes;" he said, "Well, I could fix you up better than that;" I said "Go ahead;" he said, "What will you have?" and we had something at that time.....	1547, 1548
O'Neal, I was jesting when I told him I had received \$1,500.....	1547
O'Neal, never told him that the offer to me of \$1,500 was a joke.....	1552
Pearson, C. L., testimony of, that I told him I had received \$1,500 is true..	1549
Pearson, had a second talk with, about the offer of \$1,500 to me after I returned to Madison; then indicated to him that it was a joke.....	1552, 1553
Pearson, think he was sincere and honest when he asked me about the offer of \$1,500 to me.....	1552
Pearson, when he asked me if the story that Zimmerman told him of my being offered \$1,500 was true, I said "Sure," or was it "yes?" Was the last person to whom I told of the alleged offer of \$1,500.....	1549, 1550
Powell, W. M., conversation with; Watrous and Everet also present.....	1548
Probation officer of the juvenile court in Milwaukee County; appointment.....	1548, 1549, 1554
Ramsey, never told him as to my conversations about offer of \$1,500.....	1553
Reporters, had conversation with, about money; interviewed me as to my statement that I had been offered \$1,500.....	1546, 1547, 1548, 1550, 1551, 1552
Reporters, never told them that the offer of \$1,500 to me was a joke.....	1552
Towne, never told him as to my conversation about offer of \$1,500.....	1553
Watrous, P. J., told him or some other reporter that I had had a conversation about money (conversation with Joseph O'Neil).....	1546, 1547, 1548, 1550, 1551
Zimmerman, am sorry I made statement to, that I had been offered \$1,500 to absent myself from the joint session at which Senator Stephenson was elected.....	1546
Zimmerman, my statement to, that I received \$1,500 to absent myself from joint session was not true.....	1546, 1551
Zimmerman, think his inquiry of me why certain members had absented themselves and as to the offer of \$1,500 to me was legitimate.....	1551
Dormady, Patrick, sheriff of Ashland County, Ashland, Wis., affidavit of.....	2001
Age, 52 years.....	2001
Ashland, resided in about past 25 years.....	2001
Ashland County, very large, with 28 precincts.....	2002
Campaign work for Stephenson in Ashland city and Ashland County, during primary contest, at request of campaign managers at Milwaukee; services covered period of about 60 days; received no instructions, other than told to use own judgment in legitimate and proper way to advance interests of Stephenson; expenses and a reasonable compensation for services would be paid.....	2001
Headquarters at Milwaukee, received from, \$125 for personal expenses and services.....	2001
Memoranda of disbursements, kept no detailed, as incurred.....	2002
Money not disbursed for purpose of corruptly or unlawfully influencing or bribing any person.....	2002
Personal expenses consisted of cost of entertainment and hotel bills, cigars, etc.....	2001
Statement of disbursements, never called upon for.....	2002
Stephenson, supporter of prior to doing any work for, by request or otherwise.....	2001
Traveled in and throughout Ashland County on two different occasions...	2002

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Dresser, Lester S., Minneapolis, Minn., formerly of St. Croix Falls, Polk County, Wis., testimony of.....	997
Account, Edmonds, Stephenson, or anyone did not ask me for one at any time.....	1014
Account in small book that I carried in my pocket was destroyed before I testified, because I did not suppose I would ever have any use for it....	1003, 1004, 1014, 1015
Anderson, Albert, lawyer, Hudson, when I testified before the other committee my recollection was I paid him \$150; afterwards he told me I had made a mistake, it was \$350; I gave him the money to use as he thought best; I do not know how much he retained for his own services; never rendered an account to me.....	1001
Business, I was engaged in other business while I was running campaign.	1007
Campaign, I did not do anything except to receive money from Edmonds of Puelicher and pass it to the gentlemen named and when I was through with my official business I always talked for Stephenson wherever I was; in ordinary conversation; I assumed no responsibility for the campaign.....	1017
Edmonds, conversation with when I made arrangements as to territory I was to cover was some time after I received letter from Stephenson; I think that was only time I saw him during campaign; I went up to his office and met him; we talked over campaign and particularly south part of eleventh district; he said there was not anybody in there; I suggested Hetting; I told him I did not know how much money it would take up there; he finally said \$300 a county ought to do.....	1011, 1012, 1017
Election of United States Senator, had nothing to do with outside the primaries; I was in Madison almost all winter; office there; I had nothing to do with creating Stephenson sentiment among members of general assembly after its sessions began.....	1016
Expense account, I knew in a general way candidate had to file one; I supposed he could do that from his own records.....	1015
First payment of \$300, I drew the money and turned it over to different individuals.....	997, 998
Halls, Olof, Ellsworth, Wis., gave him \$50 to look over Pierce County and report senatorial situation to me; memorandum of transaction on slip of paper destroyed; do not think he was to pay out any part of money, it was for his own use.....	999
Hetting, did not render me an account of his expenditures at that time; he did later; I have misplaced it and can not find it; he did not turn over an account book; in spring of 1909, he was at Madison and I suggested it would be well to make a general statement; he did it from memory; gave six or seven items out of sum something like \$1,800....	1002, 1003, 1013, 1014
Hetting, Henry, lived at St. Croix Falls; worked through the campaign—two months; he spent the rest of the money that I did not pay out to other people; gave him the amount (\$1,800) at different times; he was to travel through seven different counties and talk with people and advance Stephenson's interests; was to get workers for local towns to see that the vote was gotten out, literature distributed, and to talk for Stephenson.....	1002, 1005, 1017
Hetting, I supplied him with money before I received any from Stephenson fund; began to advance him money after July 4 and I did not receive money from Stephenson committee until some time in August; advanced him six or seven hundred dollars; have no account of advances now.	1003, 1004
Hetting, was not to pay any persons money for supporting or voting for Stephenson; said he usually treated where he went; did not tell me in detail how he spent first \$500; I can not tell offhand how long it took him to spend it; sums of \$75, \$25, and \$50 not always given rapidly day after day; gave him money in St. Croix Falls, most of the time in cash; conversation with when retained; think I told him he would be paid \$200 for services.....	1005, 1006, 1007, 1012, 1013
Last sum of \$250, received right after the primary from Edmonds; I think it came in a check, about September 8.....	1016
Legislative campaign, I did not spend any of Stephenson money in behalf of any candidate for legislature; men to whom I gave money did not to my knowledge.....	1007, 1008

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Dresser, Lester S., Minneapolis, Minn., formerly of St. Croix Falls, Polk County, Wis., testimony of—Continued.	
McGill, Judge, Ladysmith, paid him \$25; I was in his office and he said they were sending out some literature and lacked \$25 for postage; I did not ask him what literature he was sending out.....	1000
Member of Wisconsin State Board of Control, as such officer it was my duty to visit State institutions; visited institutions in counties I was assigned to, during campaign; I have expense account book that I kept for my expenses with State; did not charge Stephenson for traveling expenses; I think it was in March, 1908, the board divided up the State and I was assigned to the eleventh district; that was before I talked with Stephenson in Washington; position is appointive.....	1008, 1015, 1018
Money, I did not keep any of it either as compensation or expenses for myself.....	1007, 1018
Money, I did not spend any after the nominations were made.....	1016
Money, none used by me or to my knowledge by those I intrusted it to, for the purpose of directly or indirectly bribing or corruptly influencing voters.....	1018
Nesbit, Lloyd, Barron, Wis., gave him \$50 to pay his expenses in traveling over Barron County talking for Stephenson; he did not account for the money; I do not know for what purpose he spent it; I had memorandum of money paid him on a little slip of paper, which I destroyed after the campaign was over.....	998
Saloon campaign, I did not make one.....	1006
Stephenson, did not meet him in Washington during campaign; conversation with, at Washington in March, 1908, as recorded in testimony before former committee true.....	1010, 1011
Stephenson, his letter of July 14, 1908, to me; expression in it "I hope some one will look after Douglas" means Douglas County.....	1009, 1010, 1011
Stephenson, how I came to advance funds for him; when he announced his candidacy, I wrote him a letter and told him I was for him and suggested that he get somebody to look after the district; and he wrote and told me to get somebody; and I advanced money out of friendship for him.....	1004
Stevenson, Menominee, I paid him \$75 to travel over Dunn County, see what conditions were and talk for Stephenson; I do not know whether he did it; he was recommended to me as a good man by Albert Anderson, of Hudson.....	1000
Sum of \$1,800, received about August 12 for the organization of several counties in the eleventh congressional district; received all in one check or draft; cashed it in St. Paul and deposited part of it in Merchants' National Bank there.....	999, 1004, 1005
Total of \$2,350 received by me from Stephenson fund—\$300 and \$1,800 the fore part of August and \$250 immediately following the primaries; disbursements of.....	997, 1016, 1017

E.

Eastman, O. W., statement made by Blaine before this committee in regard to conversation with Eastman, not made by Blaine before the joint investigating committee.....	2027, 2028, 2029
Eastman, O. A., Platteville, Wis., affidavit of.....	2029
Blaine, John J., read testimony of, given before this committee; did meet him in Madison, but denies he asked him to pull off or not to have the investigation or not to use his influence for an investigation; denies he gave reason stated by him; denies he told him any of Cook's supporters had been changed to Stephenson for any money consideration; denies that Cook's supporters were so changed; denies getting any money for changing from Stephenson people.....	2029, 2030
Primary campaign, only transaction of a financial character had was to guarantee payment of \$7.50 for one of Stephenson's supporters; that sum was advanced by him and afterwards repaid to him; with exception of this \$7.50 never received or disbursed any money at any time.....	2030
Testimony at Madison, reaffirms denials made in, as to the conversation which Blaine alleged he had with affiant.....	2030

Editorial influence, purchase of, or newspaper advertising, as to statute on the subject of.....	356, 357
Edmonds, carbon copy of letter from, to Stephenson, dated August 4, 1908.	2026, 2029
Edmonds, checks used by, drawn on his account in the National Exchange Bank.....	1255, 2025
Edmonds, E. A., print and wrapping paper manufacturer, Appleton, Wis., testimony of.....	59, 178, 2041
Account filed with legislative committee, I did not make it; but I think from what I heard that Sacket and Puelicher did; do not discredit it...	72
Account filed with secretary of state, do not know why it does not indicate amounts paid managers for personal compensation.....	305
Account, I was to keep one of the fund of \$5,000 and rendered a statement of it; I required it of myself for my own protection and safety; I did not keep account of other funds which I drew, because the man from whom I got the money rendered the report; that account was done in my office.	246
Account in Marshall & Isley Bank, carried under title of "E. A. E. No. 2." If I had been asked if I had one two weeks ago, I should have said "No." But from fact such an account is found in their books, I know it to be true; I have checked every item in that account against the items in Exhibit 49 and find that every item in account has been sworn to previously by me; \$5,827.68 aggregate amount of deposits.	2041, 2042, 2043, 2044, 2045
Account of personal expenditures, I never kept an itemized account of sums I expended; I never had been in habit of doing that in my personal expenses and I considered this the same way.....	190, 191
Accounts, arrangements for bookkeeping and office management had already been made and Mr. Sacket was in charge of headquarters when I came to Milwaukee; think he kept the memoranda or book account of expenses; did not give matter of filing account any attention during campaign except that I knew those employed to do it were doing it...	101, 102, 107, 182, 183, 191
Accounts, do not know that I ever talked with Puelicher and Sacket about necessity of care in keeping them so as to enable Stephenson to file proper account; did not take legal counsel concerning.....	107
Advertising, at first thought it best means of interesting voters; did it in every conceivable way; I drew up some of the matter; can not recollect what I said; we tried to bring out the good points of the Senator; roughly, should say we spent about \$40,000 for; advertised in every paper in the State that did not refuse; do not remember items in \$12,696.76 in account for newspaper advertising attributed to me.....	67, 68
Ames, A. R., Dane County organizing, do not know how many days he worked for which he was paid \$350; August 8; assume amount was paid him at time agreement was made and he thought it was what he ought to have for work he deemed necessary and for his own services; item of \$200, July 18 was first money paid to; do not know about it; conversation with concerning organizing; do not know except in a general way what he used money for; recollect he received \$200 for personal compensation.....	77, 78, 91, 92, 93, 102, 178, 179, 248, 275
Appleton, Wis., have resided there four years.....	59
Ashland, D. G., Sampson, \$100; think he was doing organizing work in that county; money paid him for that and no other purpose.....	345
Bancroft, discussed employment of with Sacket; I would not have made contract with, if I had been at home; I thought it was too close a point, too close to the law which provided that a candidate for the United States Senate should not pay money to a candidate for State senate or assembly to influence his vote; that is what would be assumed; Sacket thought there could not be any question of propriety because in campaign two years before and in election of Stephenson Bancroft was one of his warmest supporters.....	74, 75, 105, 106, 222
Bancroft, had met him before campaign; did not pay him or give him an order for \$250, July 31; do not know what it was paid him for; think Puelicher told me it was paid him, several days after the payment was made; I recall that the money was given him after I had left on Saturday night; Puelicher said Bancroft was in and he had made arrangements for him to look after Stephenson's interests in Richland County; think Sacket will know about transaction with.....	72, 73, 222

Edmonds, E. A., print and wrapping paper manufacturer, Appleton, Wis., testimony of—Continued.

Bancroft, is now attorney general; is not the attorney general who wrote the opinion introduced before the subcommittee.....	222, 223
Beyer, George, paid \$300 August 29 for organization work in Oconto County; I do not believe any of it was for compensation.....	336
Bills, contracted in connection with primary, paid or arranged to be paid within three or four days after election.....	79
Bills paid on September 5, I knew them to be just; can not remember any particular instance when details were given; I undoubtedly talked with these men as I saw them; can not give any one of the items; have absolutely no book account; I do not think it would be of sufficient importance to charge my mind with the details of an expenditure of \$250 or \$500 that a man made two or three years before.....	273, 274
Bills, usually when O. K'd, quite often Mr. Sacket was present and sometimes Mr. Puelicher, and if they were present they took them and, I assume, paid them; I did not draw checks for the payment of any bills except to the extent of the \$5,000; think I O. K'd the bills that I contracted; bills were paid by Puelicher and Sacket that I did not O. K.; had nothing to do with them in many instances.....	68, 69, 112
Bills, when I say paying money, I mean to state that I contracted the bills and I gave instructions either to Sacket, office manager, or Puelicher, custodian, to turn the money over; so while I did not myself pay money, virtually I did.....	97
Blaine, Senator, made charges of corruption before legislature; made them on information and belief, as he said, and then when called before the committee to testify he pleaded leave not to testify because he was a member of the senate, and he refused absolutely to name the charges and specify what they might be.....	126
Bowman, Harry, was one of the deputy game wardens, do not recollect item of \$20 paid to.....	337
Brady, C. E., paid \$500 for organizing in Manitowoc; do not know what he did.....	76
Brady, do not recall having made a statement to him that it had been my policy as manager not to require any statements of accounts from my submanagers; I had not formulated any policy as to those things.....	2052
Bratz, W., paid him \$100 August 13 for work in Washington County; told me he was supporting Stephenson before I paid him the money..	263, 267, 275
Brown County, \$250, August 12, I believe that to be an amount paid to Mr. Calkins to organize that county; manner of expenditure left to his judgment; paid \$200, August 13, on prior agreement; never required or received an account from him; I think I telephoned Calkins; men in Brown County gave me his name as best man to conduct campaign; he had been a candidate for circuit judge and was well acquainted; the county cast a large vote for Stephenson.....	250, 251, 252, 276
Business connections at time I entered in arrangements with Stephenson relative to campaign, in detail.....	115, 116
Campaign, became actively interested in about July 4, 1908; about two weeks after telephone communication from Stephenson; do not know what the first act I did in connection with was.....	62
Campaign duties, between 8th and 18th of July, "Why, I was trying to learn where I was at. This was a new business to me entirely. I was trying to learn something about methods and to formulate a policy in conducting campaign".....	63
Campaign speeches, believe some were made; assume involved use of halls and bands in different localities; can not name a single meeting.....	234
Candidates for legislature, know of none who received money except Bancroft and Shauer; heard of no others.....	87
Carbon copies of letters sent out; do not know where they are; left them in the office when I left; not among things destroyed; were in general charge of Sacket and, perhaps, Lambeck; were kept in same room Lambeck was in; if I wanted them now I would not know where to go; can not make available any copies except that I found in my files six months ago a book wherein some letters were copied; recollect they were "form" letters.....	265, 266

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Edmonds, E. A., print and wrapping paper manufacturer, Appleton, Wis., testimony of—Continued.	
Cashier's checks issued by Marshall & Isley Bank to parties whose names I gave them, not delivered to payees but used by me as deposits in my No. 2 account in bank; reason for explained.	2044
Chairman of Republican State central committee from 1908 to 1910; selected according to law.	59, 117
Charges of corruption first made through press, I think, January 26, when Senator Blaine made charges before legislature.	125, 126
Checks, have no idea what numbers on refer to.	231, 232, 233
Compensation for services, did not receive a dollar for six weeks' time; did work without pay because I had asked Stephenson a favor and he asked this as a favor of me; I would not have taken any money if he had offered it to me; I could not have gotten any compensation out of the \$5,000, for I returned the checks and stubs and balance to Stephenson; the only way I could have gotten compensation was out of expense money given me by Puelicher, and I did not "knock down"	81, 82, 83, 117
Conferences with these people employed held in a private room.	267
Conversations with different people during campaign, presume it would run up into thousands.	332
Correspondence and poll lists, disposition of; I asked Mr. Lambeck to telephone Stephenson and ask him if he might turn over to me a list of names which I thought might be of future service to me; Lambeck reported to me that Stephenson said no, to send them to him; that is all I know of disposition of any papers in connection with campaign, except in my personal files I find correspondence with Stephenson which I considered personal and took home with me; do not recall whether list of names was afterwards given me.	2048, 2049
County managers, how compensated; if a man were given \$350 for the six weeks, in all probability I would make an agreement with him as to how much he would keep for his own services; presume he would keep about \$100; the other \$250, how spent in organizing; how amount they needed for organizing arrived at; not required to account for funds by itemized statement; their own compensation fixed according to ability of man and amount he demanded; do not believe any of these men kept money intrusted to them.	85, 86, 100, 101, 103, 105, 333
County managers, made agreements with about half of them, probably 35, for compensation for their personal services; accounts of amounts paid to, kept in office; I kept no personal record of accounts with; would probably make notations of arrangements with on some paper in order that I might report; have none of the papers; do not recall I turned them over to legislative committee.	103, 304, 305
Cox, L. B., came to Milwaukee and saw me and I paid him \$100 for work that he was to do, according to his best judgment, in La Crosse County; had known him 1892 when we were members of assembly together; told me he had been supporting Stephenson.	257, 258
Customary in campaigns to employ men with conveyances at polls; to have watchers at the polls.	119
Davies had no authority from me to make a proposition of any kind to Assemblyman Leuch; I have no knowledge of any such arrangement.	2054
Democrats did not pay or offer to pay any sum of money to any one of the three who left the legislature on March 4, the day when Stephenson was elected; within my knowledge no one did; no promise or agreement of any kind made them by me or within my knowledge.	2055
Detailed organization, my idea of it is it's a pretty expensive proposition; I should want in each town at least three men to do the necessary work; discussed organization of every precinct with people employed; we decided we could not go into it so completely; did not have detailed canvass of any precinct; did not have time nor funds to go into it that way.	92, 99, 124
Deltman; I think I sent him \$50 August 8 for assistance among German Lutherans of his locality; paid \$25 September 5 for same purpose.	246, 342
Disbursements for Senator Stephenson during session of legislature, as appearing in statement given in the evidence at Madison; carries them up to April 1; aggregates \$1,950.24; items given and explained; sums spent in addition to \$1,950.24; total approximated \$2,400; received payment for from Stephenson in two checks, one for \$1,500 and one for \$900; none of it paid to any member of legislature; not included in account filed with secretary of state.	2055, 2056, 2057, 2058, 2059

Edmonds, E. A., print and wrapping paper manufacturer, Appleton, Wis., testimony of—Continued.

Disbursements for Senator Stephenson during session of legislature, information given Stephenson from which he could file an account with secretary of state, about 1st of April and again in September; do not know whether account of those expenditures were filed	2059
Dormady, Pat, paid him \$50 for services he might render Stephenson in Ashland County; when money was sent him I believe he was candidate for nomination of sheriff in that county and he thought he could be of assistance to Stephenson when getting around working for himself; do not know whether he spent the \$50 to advance his own interests or Stephenson's.....	239, 240
Dresser, L. B., paid \$1,800, August 12, to organize seven counties in eleventh district; would include payment for his own work, for organizing or any purpose whatever; no detailed statement of his expenditures; think contract with was made against an empty treasury; I do not know how he distributed money; do not remember details concerning payment of money to; sent him \$300 August 4 by mail, asking him to look over situation and report....	79, 86, 111, 112, 113, 114, 233, 234, 242, 260, 270, 271, 272
Duties as manager; it was necessary in order to get votes for Stephenson's nomination to interest a plurality of the people of the State and get them out to the polls; Stephenson left details to me; since time was so short I turned over to two men in different counties the campaign there; in regard to finances, explained.....	67, 98, 112, 234, 235
Employment of men; I did not employ them until after I believed they were fit to conduct a campaign in their counties and knew conditions there; if I decided the amount they thought was best to be expended was sufficient, I gave an order on banker to pay the money; sometimes I would telephone bank to pay; presume they were paid against fund Stephenson had furnished; did not employ men I thought it necessary to caution about law; none but men of good reputation employed.....	71, 94, 99, 127, 286, 331, 332, 333
Etter, R. A., paid \$200 for organizing Green County; do not know how he expended money.....	261
Exhibit 49 of proceedings before joint committee is statement of campaign expenses as prepared by office manager; best way to identify the part of the \$98,083.72 represented in statement, which was disbursed under my direction, is by testimony of office manager, who would know.....	113
Expenditure of money in campaign, when questioned, did not realize burden is upon party expending it to show that it is legitimate; do not know it now.....	280, 281
Expense in connection with the investigation, if it had not been for, I doubt if the total amount of expenditure of Stephenson after he was nominated would have exceeded \$200.....	2059
Fond du Lac County, \$250, I think the amounts paid for organizing that county were paid to R. L. Morse.....	276, 277
Frank, J. H., I was responsible for having \$150 paid to, July 27; arranged with him to organize in Clark County as he judged best; can not remember conversation with; first saw him date payment was made; recollect he was to receive \$150 as personal compensation; paid \$140, August 20 as part of compensation and expense; I did not ask him to render an account; do not remember discussing law with; I have no memorandum of his expenditures; do not recall payment of \$100 to on the 20th; payment of \$225, September 5.....	196, 197, 198, 199, 280, 342
Franke, Hugo, paid \$100; was a man from Milwaukee who was sent to Ashland and some other localities, I think, to interest labor organizations in Stephenson's behalf.....	257
Fund of \$5,000, no part of that was used by me, for reasons that I wanted the stubs to show that was used for other purposes.....	245
Fund of \$5,000 placed by itself in National Exchange Bank; never was exhausted until I turned in stubs and checks to Stephenson; stubs were in hands of investigating committee at Madison at time I testified before them; any checks I drew on that bank are consecutively numbered and are in the stubs; how disbursed shown in detail.....	231, 232, 233, 2041, 2042

Edmonds, E. A., print and wrapping paper manufacturer, Appleton, Wis., testimony of—Continued.

Funds, I want to repeat that I did not receive any money but \$5,000 for expenses; I received \$100 and \$200 at different times in money or by check from Puelicher for expenses; I was stopping at the hotel and my expenses were paid out of the general fund and nothing else; with the exception of those amounts I spent but the part of the \$5,000 that I did not return to Stephenson.....	66, 69, 70
Funds, were substantially exhausted for a period of something like 10 days during campaign.....	323, 326, 366
Game warden's department, as organized in 1900, I believe, had been the most effective force used by the governor at that time to further his political ambitions; La Follette was governor; knew it was an effective political machine.....	262, 298, 299, 347
Gehbe, F. H., paid him \$200 for helping to organize and get out the vote in Manitowoc County; he did not render an account; do not know whether he kept money for his own trouble or paid it out to others; I do not know whether he would have supported Stephenson if I had declined to give him money.....	247, 248
"General," I would not think that items so marked in expense account would add up to more than \$3,000.....	297
"General," items so marked aggregating close to \$1,000, unable to tell what they were for; did not call for any statement in regard to them; no money marked "general" spent for liquor by me.....	249, 250
"General, \$150," I have no means of knowing what kind of an item it is..	249
"General, \$250," do not know to whom item was paid; I do not know what Sacket will know.....	246
General expense, organizing, July 6, \$100, can throw no light on item.....	63
"General organizing, Edmonds check, \$150," money was paid to me; do not remember what I did with it.....	179
"General organizing, July 21, \$250," do not know what item refers to; I did not keep the record; Mr. Sacket, office manager, did.....	65, 66
"General organizing, \$200," have no definite recollection of having received, but I have no reason to doubt I did; as those amounts were received that are charged to me, they were used to pay hotel bills; my own and those I invited; do not recall how this money was paid out; did not keep a memorandum of it; item for, included in Stephenson's statement, filed with secretary of state under item of \$53,729.56; my name not mentioned in that item.....	190, 191, 192, 193
Grady, Daniel, paid \$15, as an attorney who was delegated to collect that from campaign committee for a printing company for advertising....	355, 2052
Grant County, with regard to seventh specific charge against Stephenson, sums were paid to persons there for organizing, through my instructions; none of them were corruptly and unlawfully paid; payments testified to in previous testimony; do not recollect any other payments than those testified to that charge might cover.....	354, 372, 373
Gordon, George, prominent attorney of La Crosse, paid him \$1,300, August 4, for work in La Crosse and adjoining counties; I left matter of general organizing entirely to his judgment; do not think matter of whether he was to retain any part of money for his personal services was referred to; do not know from personal knowledge whether he expended the money; do not know whether he would have supported Stephenson in absence of our arrangement.....	229, 230, 240, 241, 242
Gust, O. L., can not recall payment of \$300 to, August 8.....	246, 247
Half-breeds, as designated in this state, are people who are aligned with La Follette.....	123
Halls, O. O., paid \$200 for organization work in Pierce County; do not know how he expended the money; never met him; sent a letter at the suggestion of Mr. Dresser, I believe, who advised me that Halls was very strong in that county and that he was a supporter of Stephenson's.	262
Hambright, C. M., do not know about payment of \$50 to, July 6; is an ex-member of assembly; I did not make arrangements with him; was employed when I came; do not recall having paid him money; do not know for what he was paid \$50 July 28; he was sent out to different parts of State to look up men who would be satisfactory for county managers; items paid to, may have been for compensation or expenses; recollect his compensation was \$100 a month, possibly more; Sacket would not know about item.....	63, 207, 208, 209, 223, 273, 351, 352

Edmonds, E. A., print and wrapping paper manufacturer, Appleton, Wis., testimony of—Continued.

Hambright, with regard to fifth specific charge against Stephenson, was employed as a scout; did not render an account of his expenditures to me; perhaps he did to the office; I do not know about items in his expense account; never heard or read his testimony before legislative committee.....	351, 352
Haslam, was a deputy game warden, but he was on vacation and was not drawing any pay during campaign; I employed him and he was paid by me; for payment of \$200 went into different parts of Brown, Door, and Kewaunee Counties, I think; have no rendered statement from; am sure he was a Stephenson man before he received money; I did not have a conversation with him or with Mr. Stone in regard to his going back on force.....	254, 255, 261, 262, 343
Headquarters, do not know who opened them; found them established when I came here.....	62
Headquarters, I think I left on 5 o'clock, September 5; that statement due to fact I saw checks that had been written on that date; I am quite positive now I left the second day after the election, which I am informed took place September 1.....	266, 2047, 2048
Headquarters, in Wells Building, Milwaukee, for everything except Milwaukee; they had another headquarters in another part of the city for Milwaukee.....	83
Headquarters of State central committee, at Plankinton Hotel, Milwaukee.....	266
Heyer, A. O., paid \$200 for organizing Sheboygan County; never made a report to me; do not know how money was expended.....	260, 261
Hizer, general counsel for North Western Railroad; I have such confidence in his judgment and ability that if he had said give Mr. Perrin or any other man whom he recommended even \$10,000 I would have given it to him and not felt that I should be questioned at all; would have given it without consulting Stephenson or Puelicher, Van Cleve, and Sacket; would have been willing to accept his judgment as to placing of entire campaign fund; specific charge against Stephenson concerning.....	227, 228, 360, 361, 362
Information, given Stephenson of disbursements in legislative campaign from which he could file an account with secretary of State, about 1st of April and again in September; do not know whether account of those expenditures were filed.....	2059
Investigating committee, I appeared before it and testified since September, 1908; I think I was the second or third witness before it; I think I appeared at three different times before the two committees.....	352
Investigating committee, my opinion of its personnel; there were two committees; first made up of assembly members, who were not unfriendly to Stephenson, and members of State senate, who were unfriendly.....	295
Iron County, A. L. Osborn, \$154. I do not recall the payment; I remember having had a conversation with Osborn relative to work he would do in Iron County, and undoubtedly this was a bill paid after he rendered the service.....	343
Itemized expense account, have no recollection of requiring one from any person to whom I gave money to transact business for me; in my business, if I had confidence in a man to send him out to sell paper, I did not believe he would steal in his expense account; I do not employ that kind of men; and I did not in the campaign; did not request political agents to keep one, because it was not customary.....	206, 207, 291
Items of July 6 in account filed with legislative committee; do not know who made the entries; do not know whether paid before I took charge or not; men were all employed before I went to Milwaukee; I remember what they were doing at different times during the campaign; not paid out of \$5,000 given me.....	63, 64
Jones, A. M., do not remember item "Oconomowoc, \$150"; think Jones was paid more than that; he was in office and I talked over matter of doing work in Oconomowoc and Waukesha Counties; do not recall how much he was to get, but I should think it a larger amount, as Waukesha was a large county and he was an influential politician.....	344
Jones, J. R., \$183.50 paid September 5 was in settlement of his bill for services as organizer in Racine County; he came to me and told me he had paid out so much money in excess of what he had been paid; he did not render an account; item of \$150 paid to, for same purpose.....	273, 339, 341

Edmonds, E. A., print and wrapping paper manufacturer, Appleton, Wis., testimony of—Continued.

Joyce, J. T., was a friend of Stephenson's and a reputable banker at Eau Claire; unable to state for what purpose \$50 was sent him.....	337, 338
Juneau County, J. T. Hanson, items of \$250, August 19, and \$150, August 30, were for advertising in that county; I am not sure Hanson was the man employed there; the man whom I employed was a banker, and I agreed to pay him \$400; it does not seem to me his name was Hanson.....	346
Keller, U. C., with regard to fourth specific charge against Stephenson, some amount was paid him by Stephenson through me; made in a perfectly lawful manner; for purpose of reimbursing him for time and expense in campaign; was formerly clerk of the court of Sauk County; his work done preliminary to primary campaign.....	349, 350, 351
Kelley, J. E., \$500, August 6, Milwaukee; I made an agreement with Mr. Kelley, who was city attorney of Milwaukee, to make speeches in different parts of State; I paid him \$500 in advance for his services; later my suggestion as to the advisability of his making speeches was discussed, and it was decided not to send him out; did not make a speech that I know of; \$500 was an absolute loss; not at fault, because he was ready to go; do not know whether he voted for Stephenson.....	77, 237, 238, 239, 242
Kewaunee County, \$75; do not know who paid that; should think Sacket would know; do not recall anything about payment of \$100.....	237, 243
Keyes, J. R., as I recall he was a railroad man and he did go out for Stephenson; I am not positive whether I or Mr. Sacket made arrangements with him; I do not know definitely what money was paid him for; should think Sacket would know; he was sent to me by a friend of Stephenson's, as I recall, and I was assured by them he was for Stephenson. 221, 222, 237, 248, 249	
Koch Advertising Agency, do not recall definitely what items paid to, were for, but I think the agency was employed by us through a representative of mine to get the advertising into the newspapers in the cheapest manner possible; I O K'd bills from.....	68
La Follette campaign of 1900 and 1902, had charge of in Oconto County; did the organizing for purpose of getting delegates to State convention favorable to La Follette.....	117
Lambeck, A. H., had some employment with Stephenson in Washington; had charge of mailing force at office; had nothing to do with paying out money.....	264
Large sums of money charged against Puelicher and Van Cleve; I did not expend them; I contracted the liability, but I did not make payments; paid by cashier's check or otherwise from the bank.....	66
Larson, C. O., think I paid him item of \$25, July 30; was our organizer in Ozaukee County; am not positive how much money I paid him altogether; do not recall who made the payment of \$140, August 10; Sacket not expected to know about item, as this is my deal; recollect about \$200 was gross amount paid him; do not know how he expended money; lives at Port Washington; money paid to, partly for expenses and partly for compensation.....	217, 218, 249, 250, 339, 340
Law, I believe I assumed these men employed understood the law as well as I, and that in the records in the office, as they were kept by the office manager, the items that we expended from the office could be explained in detail.....	292, 293
Law, knew we had to make a report of expenditures; I do not think it occurred to me I would have to go into details.....	101, 104, 182, 191, 193
Law, relating to election expense account, do not think I read it at that time; I have no definite recollection of any person with whom I discussed it, though I knew what the law was, I think, in a satisfactory manner; I believed report Stephenson made of my expenditures would come within law; law does not require that anyone except candidate shall make report; do not think I gave question as to how candidate could make itemized statement unless his agents furnished him with data very much consideration.....	193, 194
Legislative campaign, I did not, in behalf of Stephenson or otherwise, give or agree to give or authorize giving any sum of money to any person, directly or indirectly, for purpose of influencing vote of any member of the legislature; did not make any political promises during that session of legislature.....	2054

Edmonds, E. A., print and wrapping paper manufacturer, Appleton, Wis., testimony of—Continued.

Letter to Stephenson, September 6, 1909, closing up transaction during legislative campaign, from me; nature of items referred to in, explained.....	2057, 2058
Letters, files, records, I do not believe I gave any instruction with reference to disposal of at time I left office; think testimony to contrary is a mistake; not improbable that I should leave office without disposing of them, because when I went there the office was open and in charge of Sacket, and when I got through with my work it is not surprising I went home and left it; first learned these things had been sent to Stephenson from Mr. Black something like a year ago.....	2061, 2062
Letters, sent to various candidates for the assembly and senate inquiring whether they needed assistance, when I was chairman of State central committee; in response to replies indicating they needed it, 25 or 30 payments, ranging from \$100 to \$300 were sent.....	2050
Lewis, H., I presume that I called him in and talked the situation over with him in Dane County and he suggested he could use \$200 to advantage in organizing there; I do not know what was said; I made arrangement for payment of \$200 to; he was a soldier and a warm personal friend of Stephenson and was given that money and possibly more to do such work as he saw fit; do not recall how much money he received; no means of knowing whether money legitimately expended; did not ask him for detailed statement; Sacket will not know about item....	71, 210, 211, 212
Liquor and cigars, I had no information, money intrusted to agents was being spent for; no one ever reported that to me, but if it had been, I would not have been surprised; it is customary in this State; never heard of a sum of \$37,000 of this \$107,000 that had been spent that way..	294
List of items selected by me from Exhibit 49, of which I have personal knowledge.....	306
List of local managers, with whom I had arrangements for special compensation, with amount of compensation according to best recollection..	323
List of payments, giving items of which I have personal knowledge in regard to the contract and payment of, have no personal knowledge of purpose for which any of payments were used; I never asked for any detailed report; only method I had of getting any report would be a verbal one, in case these men came into the office; I can not explain any item more fully than those taken up specifically; knowledge of any wrongful use of the money has never come to me; I have made no effort to ascertain whether expenditures were wrongful.....	280, 284, 285
List of voters, had none; that is where we were so terribly lame; why the expenditure of so much money was necessary; we got from county managers lists of names of people to whom they deemed it advisable to send literature; had mailing lists of two newspapers, I believe, but people on might have been Democrats or Socialists.....	84, 124, 334
Literature, used, perhaps a dozen different kinds in campaign; included platform on which Stephenson was running and personal letters to voters; endeavored to twice circularize people whose names we had.....	124, 125
Livermore, J., paid \$50 for work in Oconto County; think that is the only amount paid to; do not know whether he would have done anything for Stephenson in absence of payment of \$50 to.....	238, 239, 240, 242
Lyons, Senator, I do not recall sending him a check for \$100, after the primary, as chairman of State central committee; do not think Stephenson made a request that he be sent the money.....	2049, 2051
McGill, L. E., paid him \$200 for organizing Rusk County; was a prominent lawyer there; I saw him during campaign and he stated the number of votes he had to get out for Stephenson, etc.....	263
McGillivray, J. J., paid him \$600 Aug. 6 for organizing work in Jackson County; he made some speeches; was not a senator at that time; do not know whether he paid any of \$600 to other people; never had an account from him; was friendly to Stephenson, but I hardly think he would have spent any large amount of his own money to organize the county if he had not expected to be reimbursed.....	238, 239, 240

Edmonds, E. A., print and wrapping paper manufacturer, Appleton, Wis.,
testimony of—Continued.

- McMahon, do not remember making payment of \$50 to, July 6; he was there before I came; do not know what his duties were; he went around in different parts of the State; do not recollect about payment of \$300 to Sept. 5; presume Sacket will know about arrangements with; he was a field man; did some work in the office; do not know whether his expenditures were legitimate; I told him what to do, but he did not ask me for money; think he enlisted services of a Mr. Stevens in Grant County and a Mr. Rogers in Iowa County 63, 64, 218, 219, 220, 221, 273, 719
- Madison, was there when legislature that elected Stephenson was in session; not there when Stephenson was elected; looked after Stephenson's interests there for about three weeks; talked with members; left, I think, three weeks before election 87, 88
- Man who has not \$170,000 or \$180,000 better keep out of politics 121
- Marshall, J. B., can recall the name but do not recall why payment of \$50 was made July 30; do not know whether I made the payment; if Sacket says he does not know about it, I doubt if it will be possible to determine who paid it. 216, 217
- Memoranda, I did not make any written statement when I gave instructions for payment of money to various persons, as to the services they were to perform; do not recall making any memoranda at any time in regard to purpose money I ordered paid was to be used; did not destroy any memoranda kept by me or under my direction during campaign; everything I had was turned over to investigating committee. 182, 212
- Memorandum, showing transactions made with several parties for service; do not think any clerk or employe made or had one, because I don't believe any of them knew about it. 266, 267
- Men, to whom I paid money to work for Stephenson, in every instance knew them to be friendly and in favor of his nomination; money not paid them to influence their vote; in almost every instance solicited by me to organize. 240
- Men employed, after I gave a man money to conduct campaign, I am not certain in any instance I called him in and said "what have you been doing with that money, but wherever there was an opportunity to discuss what was being done with it, I tried to keep track of affairs; do not recall that I admonished them to keep within the law; do not remember to have in any particular instance given definite instructions about expenditures; in general way stated what money was for. 93, 94, 95, 98, 99, 104, 287, 288, 289, 290, 330, 332, 334
- Miller, J. C., do not recollect payment of \$50 to July 6; do not know services performed by, but know he was out in different parts of State; I did not make any contract with him. 63, 64, 71, 243
- Milwaukee County, R. J. White, cash, September 5, I remember having paid Mr. White an amount of money, whether \$150 or \$100 I was not certain; he assisted in management of county campaign; believe, at this time, as his record will show, the county campaign fund had been exhausted and he reported to me he had overpaid this amount, and needed it, and it was paid to him. 341
- Milwaukee County campaign, conducted independently of general headquarters, except for two items, as far as I know. 341
- Money:
Did not spend any out of my own pocket for Stephenson that I know of. 64, 69
Do not think I gave it to everybody who asked for it; I am afraid I was something of an easy mark in the matter in a good many instances; cash received from Puelicher, would sometimes pay \$25 or \$50 out of my pocket to men; did not keep a list of their names. 235, 236
How paid to managers, I would arrange with the man for the expenditure of a certain amount of money and before he left town he would receive at least a part of it, usually all of it; in most instances I think I would communicate that fact to Sacket, and he would make a requisition of some kind for cash or equivalent from Puelicher. 107, 108, 109, 110, 236
It is not true that I and other managers handed it out to these agents to spend as they pleased, not desiring to know how they spent it; had no source of learning how it was spent, except as these men would come in and talk over what they were doing. 293

Edmonds, E. A., print and wrapping paper manufacturer, Appleton, Wis.,
testimony of—Continued.

Money—Continued.

None used corruptly or improperly in Stephenson campaign, that I know of ; to my knowledge, not one cent used to bribe any voter; not one cent that I know of used to induce any member of legislature to support Stephenson; did not have any information that any money was used corruptly for campaign.....	125, 372
Thought it a natural result of the primary election law that a candidate should spend so much money.....	186, 187
Undoubtedly, in my judgment there was money wasted in the campaign; it is not strange that Stephenson, having a reputation for being a good spender in campaigns, men who would work for a man who was poor for nothing, would demand pay for their services for Stephenson.....	86, 87
Whatever disbursed from general headquarters was either paid out or contracted to be paid out by Sacket or me.....	218
Morse, E. A., was running for Congress, and I had agreed with him whatever expenses he had in connection with his campaign where he could work in Stephenson's interests we would divide up, and \$27 was paid in, as he told me that was half amount expended; think it was part printing and part hall rent.....	341, 342
Morse, Roy, Fond du Lac, with reference to sixth specific charge against Stephenson, I do not think I paid him \$1,000, but I paid him some amounts aggregating several hundred dollars for purpose of organizing voters in Fond du Lac and neighboring counties; act of paying him money was not corruptly and unlawfully done.....	353, 354, 372
Newspapers, with regard to tenth specific charge against Stephenson, I paid newspaper publishers in the State for the support of Stephenson, at least to further his candidacy; they were paid for space in their papers..	358
Oconto Falls Herald, I think I paid \$100 to; not for purpose of purchasing editorial support; best judgment is it was favorable to candidacy of Stephenson; unable to say whether they so expressed themselves prior to contract to pay money.....	358
Organization, think minimum expenditure for effective one in State would be \$170,000 to \$180,000; that would be necessary to get all the voters friendly to your candidate.....	121
Organization, would be impossible to create in Stephenson's interest at primary as efficient a one in the short time we had, as the Republican party had in general election; do not know what it would have cost; as efficient a precinct organization in Oconto County as we had in general election would cost \$2,500 to \$3,000; \$2,500 would be small average per county for a complete organization; would not include all expenses, literature, advertising, etc.....	119, 120, 121
Organizers, do not know number employed in State; there are 71 counties and in some instances more than one man in a county—ordinarily not—and then there were other men who went around from county to county; should say 100 to 125 were employed from our office.....	75, 122, 331
Organizers, I believe not in a single instance could I give specifically any item of expenditure made by them during campaign; rendered no account.....	268
Organizers, would have worked for Stephenson in a lesser manner without pay, but I doubt if they would have hustled around the country and spent money and time for his election if they had to stand the expense themselves.....	259
Organizing, defined; only method I know of organizing and running a campaign was to divide the State in certain units of counties and to select some man in that county to look after Stephenson's interests; by "looking after" mean to endeavor to get out the vote and interest people in Stephenson's campaign; to do anything to get best results within the law; to get out advertising, interest influential men to interest their friends, and to get vote to polls.....	76, 77, 78, 269, 270, 271, 272, 326, 327, 329, 330
Organizing, men from different counties came and complained the work was not being sufficiently done.....	293, 294
Overbeck, had particular charge of speakers and was a general assistant in State central committee campaign; had charge of matters during legislature at Madison, when I was absent.....	2051, 2054

Edmonds, E. A., print and wrapping paper manufacturer, Appleton, Wis., testimony of—Continued.

- Overbeck was with me much of the time and was well posted in politics in the State and in many instances I made inquiries of him about men; asked him at different times to come into conferences; introduced me to men I did not know and told me who they were and what they were able to do. 264, 267
- Papers, when I left the office and went back to Appleton whatever was in my desk that was scrap paper or paper that I did not consider of any value was destroyed—put in waste basket; do not know what they were; do not know now how I decided what was valuable; were not memoranda of money spent..... 212, 213, 214, 215, 216
- Perrin, S. L., paid \$3,000 altogether for organizing in Douglas and surrounding counties; understand he was paid when agreement was made and then he conducted campaign in that county under his best judgment; I authorized payment of items to; do not know what he did for \$1,000 item; he was not a candidate for anything; do not recall discussion about his compensation; Hizer introduced me to him; I could not have taken time to go over details of his work; not my recollection that amount paid to, figured \$4,000 shown in statement.... 76, 225, 226, 227, 228, 229, 240, 242, 268, 275
- Personal expenses, item of August 8 of \$250 payable to me drawn for that purpose; drawn from funds supplied by Puelicher..... 245, 246
- Pestalozzi; Mr. Knell informed me I better have nothing to do with him as he was not reliable; but at repeated requests from a man named Bartlett, who said he was a warm friend of Stephenson's, I went to Pestalozzi's store, not there more than two minutes; asked him whether he would be for Stephenson in campaign; do not recall what he answered; did not make him any proposition directly or indirectly; never heard anybody offered him money to abandon McGovern's candidacy for Stephenson; Vandersee had no authority from me to make him a proposition..... 2052, 2053, 2054
- Peterson, G., can not recall arrangement by which he was paid \$25.... 189, 190
- Petitions, think they had all been filed by August 21; required by law to be filed 30 days before September 2; not hiring men to circulate after August 2. 76
- Phlughhoeft, M. W., my recollection of item of \$126 paid August 28 to him is not very clear; I remember the fact that he did work among Germans in German communities; paid \$152 in accordance with same arrangement. 335, 342
- Political preference, I did not arrange with any man who preferred some other candidate to support Stephenson; do not know or did not hear of any man employed in behalf of Stephenson who favored some other candidate prior to his employment..... 108
- Politics, how long and in what manner engaged in; I am sure that in reading the papers articles have very often come to my attention charging corruption in..... 285, 286
- Pollock, Edward, Lancaster, Wis., with reference to tenth specific charge against Stephenson, to the best of my knowledge and belief I did not pay him any sum of money for his newspaper support; do not recollect that anyone representing Stephenson did; make statement in that manner because efforts were made to urge editors in different localities for their support, but I do not recall I solicited his..... 355, 356, 357, 358
- Portage County, J. D. Curran, \$250, August 28, Mr. Curran was our organizer there; I am not certain whether I talked with him otherwise than by phone; money paid was for organizing..... 335, 336
- Postage, knew there were large items for, at different times; think account stated entire amount as \$11,000; if you had seen the hundreds of sacks of mail you would see that it would be possible; used to send out posters, lithographs, and personal letters to voters..... 83
- Primary campaign, you have no nucleus unless you send some one out to find where it is; you do not know what Republican is with you and what Republican against you, and in six weeks it was necessary to gather that information; there were four candidates and Stephenson's manager in hundreds of localities did not know the name of one man to whom he might write and he had to get that information; for that reason State divided into counties and county managers employed..... 84, 328
- Primary law, this campaign first time it was tried out in the election of United States Senator..... 84

Edmonds, E. A., print and wrapping paper manufacturer, Appleton, Wis., testimony of—Continued.

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Puelicher, J. H.:

I can not give account for funds received by, during August or disposition of them; he disbursed money without my order; do not know what his agreement with Stephenson was.....	112
I did not employ him to act as banker; Stephenson mistaken about it.....	69, 70, 73
Is cashier of Marshall & Ilsley Bank of Milwaukee; had known him personally; had some stock in his bank.....	61
Paid money on my telephone communication; I think when Sacket might be out and the getting of the amount might be delayed, that Puelicher would allow the funds to be paid over on my telephone order, because he would recognize my voice.....	115, 127
Presume he did not pay out any money for bills I contracted without an order from me.....	107
Think money I handled all came from him with exception of \$5,000 given me directly by Stephenson; advised me from time to time as to condition of fund; just before check for \$30,000 indorsed over to Puelicher by Van Cleve, August 12, he reported to me there were no funds on hand and a few days later that he had received funds; recollect I was advised of condition when I sent a man to Sacket and he reported there were no funds.....	108, 109, 111, 302
Puls, E. F., looked after mailing work as outlined by Mr. Lambeck.....	264
Purtell, T., I think I paid him the \$175 on August 13; recollect his home was in northern part of State and he was aiding Stephenson there; do not know what he did for the money.....	263
Racine County, \$100, have no recollection of item.....	243, 244
Record, to best of my recollection made none either in book or otherwise as to purpose for which money was paid; did not feel it was necessary, because it was done by Sacket.....	182
Reinold, F., think Sacket can explain about payment of \$50 to him July 30; I remember the man's name and I think he went down to Kenosha County; recollect payment of \$111.05 was check sent him September 5 for services rendered.....	217, 340
Report made by joint senatorial primary investigating committee of Wisconsin Legislature, I never read it; never read statement therein under head of "expense accounts;" made by members of assembly who were not unfriendly; do not know about truth of statement in that \$30,000 was used for buying liquor and so on; do not know anything about estimate therein of \$20,000 for ward and poll work.....	294, 295, 296, 297
Reynolds, T. F., best recollection is that item of \$100, July 24, was sent by me in a letter and I think it has been referred to here as a cashier's check; I asked him to use it in Stephenson's interest in Oconto County or Oconto Falls; do not know how he expended it; he is not man who was candidate for legislature; is cashier of State Bank at Oconto Falls; do not think I placed any restrictions about manner of expenditure.....	194, 195, 196, 358, 359
Reynolds, Thomas, when I was chairman of State central committee I sent him a check for \$100; chairman of committee in his county applied for aid; do not recollect Stephenson requested me to send it; Mr. Overbeck suggested instead of sending it to the county committee it be sent to Reynolds; did not give him any money as manager of Stephenson's primary campaign.....	2049, 2050, 2051
Richland County, N. L. James, \$200; think efforts of Mr. James were not confined to Richland County; was an old soldier; an old friend, I believe, of Stephenson's; was a very prominent man in political life for a good many years in Wisconsin; do not recall how he was paid; had several talks with him about condition of campaign; item of \$300 paid to, August 25.....	340, 344, 345
Ring, M. C., paid for working in Clark County; his work, as I recall, was more general; he was well acquainted all over the State; was paid, I think, something like \$500; item of \$170 paid to, for going about State to learn the sentiment; is a lawyer at Neillsville; had known him 10 years; do not know what he did with money; believe he was in favor of Stephenson before I hired him; introduced to me by Mr. Hizer.....	199, 200, 244, 245, 338

Edmonds, E. A., print and wrapping paper manufacturer, Appleton, Wis., testimony of—Continued.

- Riordan, D. E., an attorney living in Vilas County, I think; paid him \$1,300 as a fund to be used by him for Stephenson in his judgment; I believe he used it; did not render an account; was to look after 7 counties; no restrictions placed on him as to character of services he was to purchase with money; he had been State senator from that district; was not in legislature that elected Stephenson; recollect payment was out of fund of \$5,000; recollect total amount paid to was \$2,300..... 230, 231, 232, 233, 240, 242, 286, 287, 292, 293
- Rogers, E. J., do not think I made payment of \$50 to August 5; can be charged to Sacket..... 235, 236
- Rowe, R. H., do not recall item paid to; should think you might ask Sacket..... 236, 250
- Russell, C. H., paid \$200 August 10; was a candidate for Congress, and it was thought best by the workers in that locality with whom I talked to join with Russell in working; he was to put up the same amount of money that was given him and they would work jointly for Stephenson..... 249
- Sacket, Rodney:
- Did not know anything about arrangements with Perrin, Gordon, or Riordan..... 231
 - Had charge of bookkeeping..... 264
 - I did not examine his accounts; I was often in his office and I would notice he had a record where he kept track of what he was getting from the bank; recollect it was in some book or paper he had on his desk; do not remember which; can not recall occasion; do not know anything about destruction of his memoranda or card index; never consulted with him about destroying them; just now knew for first time they were destroyed..... 182, 183, 184, 185, 247, 304
 - I did not see a list of payments kept by him; was working independently of me; could make a contract for expenditure of money; do not know of arrangement between Stephenson and him; Puelicher would honor his orders without consulting me; he did not have to report to me; did not confer with him in regard to finances; do not know whether he made any written memoranda in connection with money which I contracted to be given out..... 110, 111, 115
 - I would report arrangements with county managers to, and in almost every instance he would get the funds from the bank and either mail or give them to the person, sometimes by phone, but very often in the other manner; do not believe that in every instance I explained that a certain amount was to go for salary and the rest for organizing..... 102, 305
 - Looked after people who sent out mail matter, and clerks..... 83
 - There was an attempt to talk over expenditures of campaign with, at the time legislative report was being prepared; we did not confer during campaign with regard to the propriety of expenditures; we did confer with reference to purpose of which items of expenditure were made..... 187, 188, 297, 298
- Salaries, was receiving none from any business organization in 1903..... 116
- Sells, Max, named in thirteenth specific charge against Stephenson; my recollection is that a sum of \$25 has been stated as having been paid him in our report; not certain I engaged him and do not recall what payment was for..... 360, 361, 362
- Sexton, T. J., helped organize Dane County; my recollection is he was a railroad man and was sent out and given \$50 to line up the railroad men for Stephenson; so far as I know he might have expended it for cigars or treats; I do not recall giving him the money; I arranged with him; my recollection is his expenditures were simply for own salary and expenses; do not think he paid money to anyone; would have remembered if we had any conversation in regard to law..... 65, 209, 210, 223, 275
- Shauers, of Oconto County, paid him to see railroad men in different parts of State; distinctly understood he was to spend no time or money in district he was a candidate for legislature from; do not recall sum paid him; would range from \$50 to \$125; do not think it affected his own election or nomination..... 75, 106
- Shields, R. J., can not recall whether I made the payment of \$200 to August 6; lives in Superior; know him slightly; think he is a lawyer..... 243

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Edmonds, E. A., print and wrayping paper manufacturer, Appleton, Wis., testimony of—Continued.	
Smith, C. D., paid \$50 on August 12; he represented that he was a very ardent friend of Stephenson; that he had been doing a good deal of work in Fond du Lac and that he was better equipped than anyone to conduct campaign in that county; from inquiries I made I did not think so, still I paid him \$50 for doing some work he told me of; am fairly confident he was supporting Stephenson.....	258
Stamps, have no recollection of receiving \$200 for, except as it is made plain in statement; were for headquarters; to my knowledge, did not purchase and send out stamps to any other branch of organization; all stamp items are in connection with State office and county office; do not know whether items for State and county are separate in report.....	189, 190
State campaign of Republican Party, think expenditure of money for was about one-quarter of that for that expended in primary for one candidate; as State chairman could call on any Republican in a community and assume they were all for him; details of precinct and county organization given; 8,966 Republicans in party organization whose sole purpose was to get out vote.....	84, 118, 123
State offices held: In 1892 I was elected to serve two years in the assembly; appointed member of board of regents of the university in 1900 to serve three years.....	59, 117
Statement, filed with legislative committee; I did not make it; I do not know who made it out; not made from my testimony; I believe it to be correct; it is not a statement of my expenses chargeable against moneys received by me for campaign; I received but \$5,000 in money; that I accounted for; contracted bills for some of the items in statement; did not aid Sacket in making it out.....	64, 70, 106, 107
Statement of account of "E. A. E. No. 2" in Marshall & Ilsley Bank and detailed memoranda showing items of Exhibit 49 that compare with transcript from books of bank.....	2043, 2045, 2046
Statement of election expenses, I believe I suggested the form; it was taken from the form of the statement submitted by the present Gov. McGovern.....	192
Statute, requiring expense account be filed, do not know purpose of; never occurred to me I was apt to jeopardize interests of Stephenson by failing to comply with it; if I thought any question would ever be raised as to those expenditures I would have kept and rendered an itemized statement to Stephenson.....	191
Stephenson, Senator:	
At no time ever told me what he expected to spend in the campaign..	324, 363, 2061
Can not remember when he first told me to "keep within the law"; think he mentioned it in conversation with me by phone from Marinette; do not think he told me that law required him to file an expense account showing persons to whom money was paid and for what it was paid.....	101
Contributed \$2,000 to central-committee campaign fund; I had no agreement with him that the amount or any sum should be used in the interests of any candidates that were friendly to him; he made two contributions of \$1,000 each; I do not recall whether it was by letter; did not hold any string on contributions he made.....	2051, 2052
Conversation with, had one, I think, less than 48 hours prior to his telephone communication which resulted in my accepting management of his campaign; at his home; not about campaign, although a reference was made to the fact that I should be glad to be of any service to him; visit was occasioned because I wanted him to take no hand in congressional fight; I was for Minor and believed if Stephenson took no hand for Küstermann, Minor would be nominated; told him it was first time I had not been in salaried position..	60, 61, 116
Conversation with, when I asked him for \$5,000 check; objected to detailed precinct organization; told him about lavish expenditures of other candidates and wanted him to place a limit upon amount we were to spend; held at his home at Marinette; inference was to be as careful as possible and not go too far, but no limit was placed; made no inquiries as to how money was being expended.....	363, 364, 365, 366, 367, 368, 373

Edmonds, E. A., print and wrapping paper manufacturer, Appleton, Wis., testimony of—Continued.

Stephenson, Senator—Continued.

Could state upon information and belief as required by law in his report by getting from me the information I had; but there was no possibility of my getting information from Mr. Riordan or others; he could get that from them as well as I could; I did not have to make the report.....	293
Do not know that I ever had any conversation with, in which I advised him of liberal sums I distributed without knowing what was received for it; think I saw him only two or three times during campaign; do not think he had any knowledge that I was paying men in his behalf without requiring them to make some showing; do not think he knew of payment of \$3,000 to Perrin.....	268, 364
Fourteenth specific charge against, have no knowledge of the matters and things in that charge.....	362
Friends of, often found they were previously pledged to one of other three candidates; do not know how many; fact that they were not at liberty to support Stephenson involved expenditure of more money than would have otherwise been required.....	123, 328
Had only casual business transactions with prior to undertaking management of his campaign; had personal acquaintance with for 15 years; not a relative of.....	59, 60, 81, 113
How elected by legislature; I felt that he was legally elected in January when the first vote was taken; there were not votes enough there after that day to elect him, and the only way he could be elected would be that some men that were voting against him would get tired, or some day when all of Stephenson's friends were there some of his opponents might be away and he would get a majority; how I helped bring that contingency about; know nothing about charge that three Democrats were paid to absent themselves.....	88
I believed at the time that the means in the office by which he was to receive an account were adequate to enable him to make the report, and believe so now.....	304
Shortly before August 7 I wrote him we needed more money; he said by telephone the money would be in the bank the next day; was informed when funds were exhausted campaign would come to a standstill and men be called in; he then sent \$30,000 to bank; possibly he said something then about it taking too much money; do not think talk with him at that time suggested to me I ought to keep an expense account.....	303, 304, 305, 323, 325, 364, 367, 2060
Specific charges against.....	348, 349, 351, 353, 354, 355, 359, 360, 362
Telephoned me asking me to come to Milwaukee to consider question of my taking the management of campaign; I think I was asked to meet my associates Monday morning, the next day.....	61
Think he had a good many voluntary supporters; I thought he had a large following and I was adding to the number by organization and getting the fellows out to vote; trying to get support for, against vigorous opposition of Hatton, Cook, and McGovern.....	258, 259
Third specific charge against, absolutely untrue.....	349
Understood the general plan, that I was organizing in different counties, and that certain individuals would have to take charge in those localities because one person could not do it.....	269
Was complaining a good deal about the amount of money it was taking; he thought we were using too much money; said he wanted to win election, but did not propose to buy it.....	303, 363
Was the man who would have to make the report; now if I didn't expend any moneys, there was no need of my keeping an account; I returned the checks and the balance of the \$5,000 to Stephenson....	107
With reference to eighth specific charge against, considerations were given by me as a representative of Stephenson to other persons than those named in charges; it was not corruptly and unlawfully done; payments testified to in previous testimony; do not recollect any other payments than those testified to that charge might cover....	354, 355, 372, 373

Edmonds, E. A., print and wrapping paper manufacturer, Appleton, Wis., testimony of—Continued.

Stephenson, Senator—Continued.

With reference to first specific charge against, gave me a check for \$5,000 and placed subject to my control as nearly as I can recall a sum, approximately, \$100,000.....	348
With reference to ninth specific charge against, no such sums were paid by me and I do not believe it to be true; in one instance a Democrat, Mr. Grady, was paid money; as I recollect \$15 paid to, was for services of a legal character; no effort made to influence his vote in primary..	355
With reference to second specific charge against, should say that he understood sums were to be given other electors of State, in his payment of the money; there were items as stated "from \$5 a day to \$1,000 in bulk".....	348, 349
With regard to thirteenth specific charge against, I do not know anything of transaction or allegation upon which it is based; statute about which charge is made.....	360, 361, 362
With regard to twelfth specific charge against, I deny having made any such transaction. I do not believe and have no knowledge of anything of that kind having been done by any agent of his.....	360
Stevens, L. H., asked me to have his bank made a State depository of funds. I took it up with the State officers and asked them if they would place him on the list and it was done; do not think I had any conference with Stephenson in regard to matter; Stephenson had nothing to do with it that I know of.....	2049, 2054
Stevens, quite sure I did not pay item to; think it should be in Grant County instead of Iowa.....	237, 354
Stone, I remember reading newspaper extracts from his testimony before investigating committee; did not read his sworn testimony; realized responsibility I had for payment of money to him and duty I owed Stephenson to get something for the money; when it came to my notice he had not performed certain services and had attempted to cover up that fact, I did not think it my duty to investigate, because I was entirely through campaign when I heard it and, furthermore Stephenson had recommended him.....	256
Stone, J. W., I think Stephenson telephoned me or sent word through Stone to give him \$2,500; I think I gave him an order on the bank; was State game warden; Sacket says he paid him in cash; sum represents compensation for everything he did; he talked about his different assistants who would help him; do not remember names except Bowman and Haslam; do not know whether he spent money in behalf of Stephenson or kept it; he had a deputy for each county; I got names of ones friendly and unfriendly to Stephenson; I think I understood money was to be expended through game wardens.....	66, 67, 78, 79, 252, 253, 254, 255, 256, 257, 298, 299, 300, 301, 302
Sturtevant, J. L., is running a daily and weekly newspaper at Wausau; believe I sent him item of \$100 to use as he saw fit in promoting the interests of Stephenson; do not know that it was for any specific advertisement; I thought with the hundred dollars he would be more active in his support; sent him after petitions were filed.....	224, 225, 358, 359
Sum of \$4,000, paid out between September 5 and 15, minor items of, read in detail, do not know about; Milwaukee items included, do not know about.....	79, 80, 81
Sum of \$5,000; had entered on management of campaign before I received it; think it was received about 10 days after I moved into headquarters; think it was a draft from Stephenson and I placed it in National Exchange Bank to my credit.....	62, 63, 348, 365, 366
Sum of \$30,000, might reasonably have been exhausted in five days, because for several days there had been no funds in the bank and debts that had been contracted in the meantime would be paid out of that fund.....	111
Testimony before joint legislative committee, never read it; did not hear Mr. Sacket's; was in Madison part of time it was taken, all of the time I was testifying, and as soon as I could get home I went home; I had no reason to believe there would be anything incriminating to Stephenson; there was no reason why I should listen; did not hear all of Stephenson's testimony.....	185, 186, 187, 352, 373, 374

Edmonds, E. A., print and wrapping paper manufacturer, Appleton, Wis., testimony of—Continued.	
Tilton, Lester, with reference to eleventh specific charge against Stephenson, did not have any knowledge of transaction; so far as I am concerned it is not true and I do not believe it to be true; have not seen exhibit showing affidavit made by Tilton	359, 360
Trempealeau County, do not know why item of \$375 is made out to myself; I know that the money was paid over; I can not think of the man's name; I will think that up later.....	275
Van Cleve, do not know that he received checks from Stephenson which he indorsed to Puelicher; he did not indorse any over to me.....	66
Van Cleve, I do not think I knew he was acting as one of the managers; do not think I ever communicated with him during the campaign.....	302
Van Cleve resides at Marinette; met me in Milwaukee; presume Stephenson asked him to.....	61, 62
Vote, easier to get it out at the general election with expenditure of about \$17,000 than to get it out at primary with expenditure made by Stephenson	118, 119
Vote, if there was not a lot of dragging out on the 1st of September there would not be a big vote—a very small vote.....	121, 122
Voters in Wisconsin last election within 1,000 of 450,000.....	125
Votes, less than half voted at primary that were cast at general election; Stephenson would not have got many if organizers had not been employed; were it not for very large expenditures of money in primary campaigns no more persons would go out to the primary elections than attended the caucuses in years past.....	259
Wausau Record-Herald paid \$100 or \$150; not for purchase of editorial support; unable to say whether it had expressed itself favorable to Stephenson's candidacy prior to contract for payment of money.....	358
Wayland, C. C., do not know for what he was paid \$300 August 31; was working for us in Outagamie County; agreement with, concerning organizing; I think I went into detail with, more than with any other man as to expenditures; I did not require detailed statement from him; was brought out in testimony I paid him total of \$1,150; Sacket had nothing to do with transaction; how he expended money; he received no compensation; we were in business together; I can not account for any part of money spent by.....	79, 95, 96, 99, 105, 200, 201, 202, 203, 204, 205, 206, 207, 236, 237, 242, 244, 267, 269, 270, 388, 223
Weisman, A. J., do not recall name or item of \$83 paid to.....	
Wells, J. H., was the organizer employed in Columbia County; paid \$200, August 28; had same arrangements and same general talk with that I had with other organizers; to my best recollection there was not any compensation paid him.....	335
Windsor, W. F., of Mosinee, was organizer in Juneau County.....	2048
Wisconsin statute, with reference to requiring a report of campaign expenditures, read; I should say I was familiar with that; I knew law required Stephenson to file within 30 days after the election a statement showing every item of expenditure which exceeded \$5; Sacket employed to preserve information by which Stephenson could comply with it.....	292
Wypszinski, J. W., \$50 paid to, July 22, by my instruction; told him he was to go out in different parts of State to see people of his nationality; Sacket paid him; have no personal knowledge he received money; think he was sent to me by somebody who knew him; do not recall how payment of \$25, July 24, to, was made; Sacket should know for what purpose paid; recollect he was to be paid \$50 for salary; other items paid for expenses; did not render an account; do not recall where he was to operate.....	179, 180, 181, 188, 189, 196
Election laws, general statutes applicable to.....	370, 371, 601, 602
Eppling, F. J., insurance business, Sheboygan, Wis., testimony of.....	903
Account, I kept track of every penny expended; was not asked to render an account; talked with Edmonds about it in his office, about six weeks before the primary; said he did not require me to make a statement; I did make one for my own sake; and I expended more than I received; items given.....	907, 908

Eppling, F. J., insurance business, Sheboygan, Wis., testimony of—Continued.	
Campaign, received money to cover my expenses in helping organize the various counties; I was to look up following persons in various counties to do work for Stephenson: Werner Pflughoeft, Taylor County; Dr. Frank, Clark County; Mr. Bratz, Washington County, and another son of Mr. Pflughoeft in Outagamie County.....	904
Clergyman, Lutheran, at Algoma, Wis., during summer of 1908.....	903
Edmonds, correspondence with, as read from affidavit in testimony before joint legislative committee correctly states situation.....	907
Edmonds, had interviews with him at various times; can not state the dates; received \$75 from him at first interview; received \$400 from him altogether.....	903, 904
Hensel, Max, I paid him \$75 as an assistant during that time when I was absent from my congregation, and he gave me a receipt for it which I filed with Senator Marsh.....	906
Men, I asked to work were men who received favors from Stephenson during Peshtigo fire.....	908, 909
Money, was all for my personal expenses and compensation; none of it was to be used for a subscription to my church; none of it given to anyone else for work done by them.....	904, 908
Stephenson, \$200 from him was not for any political purpose; paid August 22; was a donation to my congregation, and he left to my disposal the way I should apply it; I gave \$100 each to Kolberg and Algoma churches; check was drawn by his stenographer, signed by him, and handed me; his private secretary testified this money was to be given Northwestern College; that is false.....	905, 906
Total of \$600 received by me, \$400 from Edmonds and \$200 from Stephenson.....	907
Essmann, William L., superintendent of public property, testimony of...	696, 740, 806
Box, I have brought here, I think contains matters pertaining to the investigation, but I do not think it contains all the evidence; I was present at that investigation, and it seems to me there was more than one box full.	697, 740
Box of receipts and bills in Stephenson campaign, not marked as exhibits in original investigation; I have gone through them and they are simply receipts of bills that were paid, and I did not mark them; I think there is nothing there but receipts from Puelicher, Sacket, and Knell; I do not think you will find any letters in the box; so far as I know none are there..	813, 814, 815, 816
Edmonds's expense account, known as Exhibit 49; I have not been able to find it; I do not know anything about it; can not give you any information to enable finding it, unless you should get it from members of the joint committee or secretary; it is not in trunk.....	816
Exhibits, list of those not found in trunk, enumerated.....	807
Index to names of individuals.....	812
Letter from J. A. Stone to J. J. Blaine; I was unable to find it in my search; have not seen it since meeting of joint committee; all I have is a copy of it; it is not in trunk.....	814, 815, 816
List of exhibits introduced in evidence before the joint committee of the legislature appointed in 1909.....	807, 808, 809, 810, 811
McGovern, Francis E.; I managed his campaign for United States Senate in 1908 primary.....	814
Marsh, chairman of joint investigating committee, Neillsville; I called him up by telephone and he does not seem to know anything about it. He was under the impression that there were two trunks left in my possession.	806, 816
Papers used and presented to joint committee of Legislature of Wisconsin in connection with Stephenson investigation; I have brought with me all that I could find.....	696, 697, 806
Report of the senatorial committee on investigation.....	812, 813
Riordan statement, is not in the box.....	817
Stephenson; I did not support him in his campaign for the Senate.....	814
Stone exhibit in reference to J. W. Stone, ex-game warden, I went through the box three or four times and it is not in my custody.....	807
Superintendent of public property, I was not, at time of joint legislative hearing; succeeded another man and have taken what I found in his hands.....	816

Essmann, William L., superintendent of public property, testimony of—Con.	
Two boxes were left with State treasurer by State Senator Marsh, and when I called for them he gave me the box I have here and another one. The other box was open and I found it was a personal matter that belonged to State Senator Sanborn, so I left it at Madison; my belief is that in bringing the two boxes to the treasurer they became mixed in some way and they brought Senator Sanborn's private box; possibly he has the other box pertaining to the investigation; that is merely a guess; I do not know..	697, 806
Wheeler expense account with checks, not marked in the exhibits.....	812
Everett, J. W., newspaper business, Milwaukee, Wis., testimony of.....	1585
Domachowski, talked with, in Madison in regard to his receiving an offer of \$1,500 to walk out of legislature; conversation was largely between him and Mr. Powell; he dodged, and said one thing and another; told Powell he had been approached "by a friend;" would not say who his friend was; said to Watrous it was a concrete offer; never said it was a joke; impressed me as having some truth in it.....	1586
Domachowski, understood that the offer of \$1,500 to, was by some one in the interest of Senator Stephenson; did not ask if the offer came from Senator Stephenson or some one representing him; I do not believe he was offered \$1,500 to stay out and thus effect the election of Senator Stephenson.....	1587, 1588, 1589
Milwaukee Daily News, am connected with.....	1585
O'Neil, Joe, talked with Domachowski as to offer of \$1,500; think he (O'Neil) said it was a joke.....	1586, 1587, 1589, 1590
O'Neil, think Domachowski thought there was "something doing".....	1588, 1599
Powell, talked with Domachowski as to offer of \$1,500.....	1586
Watrous, talked with Domachowski as to offer of \$1,500.....	1586
Exhibits:	
Ex. Reed No. 1, Oct. 30, 1911, affidavit of William Fenelon, in regard to his telephoning Roy E. Reed that James Fenelon said it would be all right to wire Ramsey and ask for the pair.....	1929
Ex. Regan No. 1, envelope in which letter came from Wagner to Wood....	1689
Ex. Regan No. 2, October 24, 1911, letter from Wagner to Wood.....	1689
Exhibit Alexander No. 1, October 19, 1911, statement of expenses of Stephenson primary election campaign in Lincoln and Marathon Counties.....	1288, 1289
Exhibit Alexander No. 2, October 19, 1911, a statement of cash items drawn and expended by Walter Alexander.....	1289, 1290
Exhibit Ames 1, October 18, 1911, bundle of receipts.....	1186
Exhibit Ames 2, October 18, 1911, receipt book, with stubs.....	1186
Exhibit Edmonds, A., list of items, selected by Mr. Edmonds from Exhibit 49, of which he has personal knowledge.....	306
Exhibit Edmonds B, memorandum showing names of local managers with whom Edmonds had arrangements for special compensation, together with amount of that compensation, according to his best recollection...	323
Exhibit Edmonds letter of August 4, 1908; carbon copy of letter from Edmonds to Stephenson.....	2026
Exhibit Edmonds No. 100, October 31, 1911, copy of account No. 2 of E. A. Edmonds from original ledger sheet of Marshall & Isley Bank..	2045
Exhibit Edmonds No. 101, October 31, 1911, items in Exhibit 49 that correspond with Edmonds account No. 2 in Marshall & Isley Bank.....	2046
Exhibit (Essmann) No. 1, list of exhibits not found in trunk, enumerated..	807
Exhibit (Essmann) 2, list of exhibits introduced in evidence before joint committee of Wisconsin Legislature appointed in 1909....	807, 808, 809, 810, 811
Exhibit (Essmann) 3, index to names of individuals.....	812
Exhibit (Essmann) 4, expense account of Wheeler with checks.....	812
Exhibit (Essmann) 5, report of Senatorial Committee on Investigation..	812, 813
Exhibit (Fenelon) 461a, telegram from James Fenelon to Thomas Ramsey, in regard to pair on United States Senator.....	1508
Exhibit Haslam No. 1, October 14, 1911, list from memory of money spent by William Haslam to further interest of Stephenson.....	968
Exhibit Knell 1, October 25, 1911, statement of Milwaukee County expenses in Stephenson primary campaign, 1908.....	1767-1774
Exhibit (Ramsey) 461a, Edward H. Smith, official reporter, telegram sent by James Fenelon March 4, 1909, from Ripon, Wis., to Thos. F. Ramsey, requesting Ramsey to pair with him on United States Senator.....	2114, 2115

Exhibits—Continued.

Exhibit (Ramsey) 461b, Edward H. Smith, official reporter, envelope of Western Union Telegraph Co., addressed to "Thomas Ramsey, Assembly," containing telegram from Fenelon, March 4, 1909.....	2114, 2115
Exhibit (Ramsey) 462, telegram from Thomas Ramsey to James Fenelon, Ripon, March 4, 1909, granting Fenelon's request to pair on United States Senator.....	2114, 2115
Exhibit, Russell No. 1, October 26, 1911, express receipt of box shipped from headquarters in Milwaukee to Marinette, dated Sept. 5, 1908.....	1837
Exhibit (Russell) 111, statement of expenditures in Stephenson primary campaign, made up day before called on stand by joint legislative committee.....	1196
Exhibit (Sacket and Wellensgard) 62, itemized statement of expense account of C. C. Wellensgard made to Rodney Sacket.....	443, 489, 837
Exhibit Sacket Recalled No. 1, October 21, 1911, list of persons who filed expense accounts.....	2064, 2065
Exhibit Stephenson 1, statement of expenses in primary election filed under the law, Feb. 11, 1909.....	26, 27
Exhibit (Stephenson) 2, letter from Attorney General Gilbert, Sept. 28, 1908, to Stephenson, citing his opinion that candidate for United States Senator is not required to file an account of his expenses in primary campaign until after election by legislature in January.....	58, 89, 90
Exhibit Thayer No. 1, October 14, 1911, bank book of L. W. Thayer.....	943
Exhibit Thayer No. 2, October 14, 1911, check on German National Bank, Ripon, Wis., dated Sept. 2, 1908, for \$150, payable to self or bearer, signed by L. W. Thayer.....	943
Exhibit Thayer No. 3, October 14, 1911, check on German National Bank, Ripon, dated August 31, 1908, for \$100, payable to cash or bearer, signed by L. W. Thayer.....	943
Exhibit (Upham) 1, statement of election expenses of Isaac Stephenson..	1979, 1980
Exhibit Van Cleve 1, showing disbursements by J. A. Van Cleve in Stephenson's 1908 primary campaign in Marinette County, Wis.	146
Exhibit Van Cleve, No. 2, October 9, 1911, memorandum book used during campaign in Marinette County, containing expenses during campaign and a list of checks sent to Puelicher, aggregating \$52,500.....	570
Exhibit Van Houten No. 1, October 18, 1911, trunk containing papers relative to Stephenson campaign.....	1215
Exhibit Wellensgard No. 1, October 13, 1911, receipt for \$30 to Wellensgard from Grant Burlingame.....	853
Exhibit (Wellensgard) 2, receipt for \$25 to Wellensgard from C. M. Rosebrook.....	854
Exhibit 49, statement of Stephenson expense account of primary campaign, 1908, in detail, as it appeared in proceedings before Wisconsin Legislature.....	307-322
List of, filed in Wisconsin investigation.....	808-811
Expenditures made by a candidate being challenged as to their legality, the burden is upon the party making the expenditure to show that they were lawful (opinion of Chairman Heyburn).....	281, 282, 283, 284, 772, 773, 795, 796, 797, 798, 799, 800, 801, 802, 803, 900, 2039, 2040

F.

Farr, F. R., attorney at law, Eau Claire, Wis., affidavit of.....	2002
Account of disbursements rendered no one; was not asked to do so, or expected to do so; kept no memorandum whatever.....	2002
Automobiles, had use of several.....	2003
Campaign carried on in Eau Claire County as clean and honorable as I have ever known; no improper influence used.....	2003
Eau Claire County, about 50 voting precincts in.....	2002
Money not paid for the vote of any elector; no improper influence used of employed in connection with work.....	2002
Poll workers, with two exceptions, paid from \$5 to \$10 each.....	2002
Services, none of money received was retained by me as compensation for my individual.....	2002
Stephenson, supporter of, some time prior to time money was paid to me..	2002

Farr, F. R., attorney at law, Eau Claire, Wis., affidavit of—Continued.	
Trips made throughout the various towns in Eau Claire County usually accompanied by a man of influence and of excellent character and standing.....	2003
Wheeler, William G., paid \$300 by personal check of, just prior to election, for purpose of being used in campaign carried on for Stephenson in Eau Claire County; expended by employing different individuals on primary day with horses and rigs and for hired billposters; three personal friends to whom money was given for work done named.....	2002
Wisconsin politics, more or less active in for the past 25 or 30 years; never before this had the disbursement of any political fund, being always theretofore a contributor.....	2003
Farrell, John T., directory publisher, Milwaukee, Wis., testimony of.....	1441
Absent two or three times when joint ballots were taken on other occasions than March 4; never absent when I was in Madison on any other occasion; never before walked out of legislature just before a vote on senatorial question was being taken; never asked to.....	1452, 1453, 1456
Absenting myself from joint session March 4, when Stephenson was elected, reasons for.....	1453, 1454, 1455, 1456
Absenting myself on 4th of March from joint session of Wisconsin Legislature, was not offered or given anything for; no one asked me to; charge that I received money for not true.....	1452, 1456
Assembly chamber, when I returned there in afternoon after Stephenson's election some of members were there; I don't know who; I sat down and wrote; did not inquire of members about election; they did not come to me; stayed there until 4.30 or 5.....	1459
Assemblymen, saw 40 or 50 after Stephenson had been elected that day; do not recall that I talked with any of them; did not speak to them and they did not speak to me on subject of Stephenson election; did not hear them discuss absence of Ramsey or Towne.....	1462, 1463
Brown, Neal, Democratic candidate for United States Senator, voted for at all times, except on one occasion, when I voted for Domachowski, of Milwaukee, as a complimentary vote.....	1451
Charges about corruption in Stephenson election first heard of in April, when Wagner was brought to Madison; before then had never heard any corruption mentioned about myself; had seen discussion about corruption in the press; but I have never had a man come to me personally and discuss it.....	1460
Constituents seemed satisfied with my actions; I received unanimous nomination for reelection at primaries without a contest; I did not run; prohibited from by "20 per cent law," explained.....	1467, 1468
Democratic members, never told any of them my frame of mind except Ramsey; did not tell any of them I was going to absent myself from joint session; they absented themselves and they did not ask me if they could go out or tell me they were going out; they were more derelict than I because they did it as a body and assumed to form a combination with "half-breeds" and Socialists; whereas I left as an individual and made no effort to secure anyone to aid me in disturbing the proceedings; I did not go out with them.....	1465
Democratic Party in 1903 put into its platform plank demanding an investigation of primary; Stephenson's name was not specifically mentioned; they lost out by about three to one.....	1468, 1469
Democrats, it is said three were absent March 4.....	1457
Democrats, think they had no possible chance to elect a United States Senator in legislature of which I was a member.....	1469
Edmonds, know him in a passing way; not personally acquainted with; did not have any conversation with him on 4th of March or at any time prior to election of Stephenson.....	1452
Hughes, Assemblyman, had a talk with evening of March 4 at Park Hotel; he says, "Well, Stephenson is elected at last and you fellows were out"; made me angry; conversation that followed; quieted down when Dick White came along and invited us to go and have a cigar; we went with him to bar and took a cigar; I went out into street; do not know where they went.....	1460, 1461
Hughes, do not think he was trying to elect a Democrat as Senator.....	1469

	Page.
Farrell, John T., directory publisher, Milwaukee, Wis., testimony of—Contd.	
Hughes, John, was Democratic leader; did not say anything to him about my intention of absenting myself March 4; was from Dodge County; did not try to prevent my renomination.....	1466, 1467, 1468
Lentz, Assemblyman, believe I spoke to him when I returned to chamber afternoon of March 4; did not have any conversation with him about the election of a Senator that day.....	1450
Member of Legislature of State of Wisconsin at forty-ninth session, 1909; served one term; represented first assembly district.....	1441
Milwaukee, resided in nearly 20 years.....	1441
Neusse, newspaper man who, I think, represented Milwaukee Journal, called upon me between 1 and 2 o'clock, March 4, to ask me why I left the chamber; I was sitting in a chair at the Park Hotel.....	1448, 1449
Overbeck, did not speak to me afternoon of March 4 with reference to election of a Senator; did not see him.....	1450, 1451
Ramsey and I talked over Stephenson election once or twice two or three weeks before he was elected; spoke about it January 26 and I said I considered Stephenson elected; I said, "This investigation is proceeding along lines that do not appear to me as though there was anything in it, and it is delaying legislation"; I said, "I wish this matter was settled," this talk at Madison.....	1464
Ramsey, talked with him in afternoon of March 4 after vote was taken, probably between 4 and 5, at assembly chamber; he said he was paired on the vote for United States Senatorship with a man named Fenelon, and I said, "Well, I got tired of it and walked out".....	1457, 1458, 1463, 1464
Senator, none at any time offered me any consideration for voting or not voting for any candidate for.....	1451, 1452
Stephenson, Senator:	
Felt there was a conspiracy on to defeat him; there was no conspiracy to elect him, so far as I know.....	1457
Have no personal acquaintance with.....	1452
Heard he was elected from general reports around the city; no one told me; heard parties saying, "Stephenson has received majority".....	1449, 1450, 1458
It appeared to me Democrats and "half-breeds" and social Democrats were working with a view to defeating him; I understood they caucused together.....	1455, 1456, 1469
Was not present day he received majority of votes; knew there would be a vote taken in joint session at 12 o'clock that day; came in to my desk between 11.30 and 12; remained there 5 or 10 minutes; left before roll was called; walked from my desk to northeast corner of building; took my coat and hat and went over to café opposite capitol; sat in seat 24; did not meet or speak to anybody between leaving chamber and reaching café; do not think there was any session in afternoon; I was back in chamber in afternoon and evening.....	1442, 1443, 1444, 1445, 1446, 1447, 1448, 1456, 1458, 1466
Towne, did not talk to him March 4.....	1457, 1463, 1464
Vote in legislature, did not know it would be close March 4.....	1457
White, did not speak with him afternoon of March 4 about the election of a Senator; had no conversation whatever with him; think I saw him in the forenoon, possibly between 10 and 11; senatorial election not mentioned.....	1450, 1451
Zimmerman, did not hear him make any statement afternoon of March 4 about election of a Senator or my connection with it.....	1451
Fenelon, James, former member of the assembly, Ripon, Fond du Lac County, Wis., affidavit of.....	2091
Candidate for election to the legislature, had announced as publicly that should he be elected would vote for the candidate for Senator receiving the nomination at the primary.....	2091
Fenelon, William, nephew, informed by, on morning of March 4, 1909, that Roy E. Reed had just called up by phone and asked if he could wire a Democrat at Madison asking for a pair on United States Senator; that Reed had said that he had a chance to get such a pair; affiant informed him that it would be all right for Reed to wire for such a pair; not long thereafter affiant was informed that Thomas Ramsey had paired with him on the vote for Senator.....	2091

Fenelon, James, former member of the assembly, Ripon, Fond du Lac County, Wis., affidavit of—Continued.	
Heart trouble, had ever since the last of January, 1909; for that reason did not appear before the committee investigating the election of Stephenson, holding sessions at Milwaukee, fearing trip might result seriously to him.	2091
Wisconsin Legislature, while in attendance at session of 1909 of, voted four times for Stephenson for Senator, in month of January of that year, being the only times a vote on Senator was taken while he was in attendance at session.	2091
Fenelon, William, affidavit of, in regard to telephoning Roy E. Reed that James Fenelon said it would be all right to wire and ask Thomas Ramsey for the pair on United States Senator election.	1929
Flint, R. J., United States marshal for the western district of Wisconsin, Menomonie, Wis., affidavit of.	2030
Age, 69 years.	2030
Campaign committee at Milwaukee, received \$80 from.	2030
Campaign work in primary campaign; did whatever personal work could to further the election of the Senator.	2030, 2031
George, Maj. T. J., paid \$50 to, to be used in securing workers at polls and in settlement of sundry small bills incurred for posting lithographs, printing sample ballots, etc., in the interest of Stephenson.	2030
Hallsteen, John, engaged him to visit several towns in Dunn County, circulate campaign literature, lithographs, etc., and personally urge the farmers to attend the primary in the interest of Stephenson; agreed should devote six days, using his own team and paying own expenses, at rate of \$5 per day; for this service was paid \$30; in addition he offered to assist in getting voters to the polls in his home town on election day without further compensation.	2030
Menomonie, resident of past 40 years.	2030
Money not disbursed for the purpose of corruptly or unlawfully influencing or bribing any person.	2030
Stephenson, supporter of, at all times; known for many years; very warm friendship has existed.	2030, 2031
Frank, J. Henry, practicing physician and surgeon, Neillsville, Wis., affidavit of.	2003
Age, 41 years.	2003
Campaign committee, received from, \$615.	2003
Campaign work in Clark County and city of Neillsville, at request of campaign committee, during primary contest; instructions received; informed legitimate and reasonable expenses would be paid; engaged in, about six weeks.	2003
Marth, Frank, paid \$200 to, for services and expenses.	2003
Money not disbursed for the purpose of corruptly or unlawfully influencing or bribing any person.	2004
Neillsville, resided at, about 11 years past.	2003
Personal traveling expenses, about \$200.	2003
Precinct workers, expended about \$150 for the employment of; instructions given to; unable to give names and addresses of all; names of five given; none employed unless they were supporters of Stephenson.	2003, 2004
Statement of expenses and disbursements, never called upon for an itemized; did not keep an account at the time.	2004
Stephenson, supporter of, prior to his engagement; in no way influenced by the fact that he was employed.	2003
Taylor and Marathon Counties, expended about \$50 for general work of two persons, who were to travel about in talking Stephenson and circulating his literature.	2003, 2004
French, Charles S., attorney, Lake Geneva, Wis., testimony of.	871
Account of expenditures, I have none; did not make one; did not have any memorandum at all or destroy any; I think I should have kept one, but I did not think anything about it then.	871, 874, 875, 877, 878
Assembly candidates, I did not make arrangements with any, to perform services; was not a candidate myself; have never served in assembly.	877
Brownlow, East Troy, I think I gave him \$10; for putting his time in talking for Stephenson and being at polls election day to solicit votes.	876

French, Charles S., attorney, Lake Geneva, Wis., testimony of—Continued.

Campaign, I received money for work for Stephenson in Walworth and Kenosha Counties; did not receive money to support any other person during that campaign; I visited every town and village or city in the two counties and some of them more than once; it was necessary to spend money there as there was such an indifference among people and it needed some one to stir them up; and because of competition.	871, 872, 874, 878, 879, 880
Cigars and liquors, expended some money for them; can not tell how much; think I spent \$10 that way at Truesdale; when we went into a place where the crowd wanted cigars or drinks, we bought them; if there was anybody around, we invited them to drink, regardless of their political affiliations; we were strangers and visited the saloon keeper about putting up lithographs.	873, 876
Edmonds, received \$800 from him August 18, 1908; made arrangements with him; nothing said about keeping an account or reporting to him.	871, 877
Edwards, paid him \$30 for devoting time to talking in Stephenson's interest and procuring workers at polls who would direct attention of voters to Stephenson's claims.	873, 877
Expenses, amount of will have to be an estimate; there was the car and three or four with me all the time; automobile was my own; I did not charge for it.	872, 877, 879
Ice-house employees, spent \$30 with them; got the most available man to visit his fellow employees and to see that they went to polls primary day; and to press Stephenson's candidacy at Twin Lakes and Power Lake.	874, 875
Literature, I think I paid out around \$10 or \$15 for boys to distribute it.	876
Method of campaigning; I would go to a town and I usually had an acquaintance with me who knew two or three prominent men in that town; we would visit them and have them direct us to other men about the town; they were all Stephenson men.	872, 873
Money, I did not spend any during the campaign for the purpose of directly or indirectly bribing or corrupting any electors; as far as I know none expended that way by any people to whom I intrusted money.	879
Precincts, I spent \$10 to \$15 in each one, except four; I think there are 51 in the two counties; did not spend anything at Lake Geneva; I engaged men to spend some time between time I saw them and election day and also on election day; I expected them to visit their friends and neighbors and get their support for Stephenson.	874, 878
Statute, requiring candidate to file account; I knew there was one; it did not occur to me that Stephenson could not comply with it unless I furnished him the information.	879
Stephenson, I supported him for nomination in 1908.	871
Sum of \$800 received, I paid it all out to others and for my expenses; none for compensation.	872, 877, 879
Twin Lakes and Powers Lake, I believe I left about \$90 there to cover expense of teams in getting voters to polls; can not tell names of men with whom I left it; think there were about four or five in the two different localities; they were to urge Stephenson's candidacy and get fellow employees to polls.	875, 876
Wisconsin, have practiced law there since 1879.	871

G.

Gehbe, Frank, dentist, Manitowoc, Wis., affidavit of.	2125
Age, 35 years.	2125
Brady, C. E., received \$200 from, for disbursement in campaign for payment of legitimate expenses.	2125
Campaign work done in primary campaign, covering period of about 30 days, at request of campaign managers at Milwaukee; obliged to employ others to assist in various ways; looked after much of work personally, doing more or less traveling.	2125
Envelopes and letterheads, disbursed \$7.50 for.	2125
Gehbe, Frank H., disbursed \$25 to, for making two special trips through Manitowoc County, interesting voters generally and people whom he knew in the cause of Stephenson; for personal expenses, conveyance, etc.	2125
Headquarters, received \$200 from, for disbursement in campaign for payment of legitimate expenses.	2125

Gehbe, Frank, dentist, Manitowoc, Wis, affidavit of—Continued.

Hoffman, of Manitowoc, disbursed \$35 to, for expenses of conveyance and personal expenses, interviewing people and advocating election of Stephenson, including compensation for services, covering several days.	2125
Johnson and others, disbursed \$50 to, for distributing lithographs, campaign material, and circulars throughout Manitowoc County, part of Sheboygan County, part of Brown County, and part of Calumet County; amount paid Johnson was for personal expense, service, and cost of conveyance; balance paid others for services only; paid \$20 also for persons to distribute campaign literature on the fair grounds during the county fair.	2125
Manitowoc, always resided in, except four years, when resided at Clarks Mills.	2125
Manitowoc Post, disbursed \$10 to, for special advertisement.	2123
Money not disbursed for the purpose of corruptly or unlawfully influencing or bribing any person.	2126
Plumb, Ralph, disbursed \$10 to, for campaign work in city of Manitowoc, for personal expenses and services in circulating special advertising material in interest of Stephenson, and seeing lithographs and other poster material was kept in place.	2125
Poll list, disbursed \$50 for expense of getting up.	2125
Poll workers, expended about \$75 to; instructions given.	2125, 2126
Postage, disbursed \$8 for.	2125
Services, never received nor charged anything as compensation for; interest was sufficient inducement to devote time without any expectation of more compensation.	2126
Statement, never called upon by campaign committee for an itemized.	2126
Stenographers' work in writing letters to voters, disbursed \$15 for.	2125
Stephenson, supporter of prior to request to do work in campaign.	2125
Summerfield, Clifford, disbursed \$60 to, for five weeks' work traveling around giving attention to posting of lithographs and circulating of literature, also for services and expense in visiting various precincts in Manitowoc County, talking with voters and presenting merits of Stephenson and reasons why he should be nominated.	2125
Whitney, of Manitowoc, disbursed \$10 to, for distributing and putting up lithographs.	2125
Willard and several newsboys, disbursed \$25 to, for distributing Milwaukee Free Press.	2125
Gilbert, F. L., attorney general of Wisconsin, correspondence with relative to filing expense account by Stephenson.	58, 89, 90
Gordon, George H., United States attorney for western district of Wisconsin, La Crosse, Wis., testimony of.	741
Accounts, I did not keep a memorandum of money received at the time; I kept no accounts at all; at that time it did not occur to me that I ought to keep one; I followed custom of campaign managers and I never knew of one rendering an account.	742, 754, 760
Aggregate of \$1,800 paid me; I think Edmonds paid it to me; at different times during month of July; I could not tell the exact time I received it or the amount received at any given time; I did not retain any of it for my services; I think I was a little bit shy, when I got through, on my own account I cashed the checks and kept the money in my safe; was not mingled with my own funds; paid it out until contents of safe exhausted.	741, 742, 753, 754
Anderson, A. F., was man working during entire primary campaign for Stephenson; I have no recollection as to how much money I paid him.	765
Barber, W. E., I do not remember how much money I paid him; my guess is it was possibly \$30 or \$40.	749, 756
Campaign, how conducted, there were three gentlemen, Mr. Van Auken, Mr. Barber, and Mr. Smith, who had all been chairman of the Republican county committee of our county and had experience in management of campaigns; I called them in to assist me and a great many men were sent to me by these men; I remember Senator Withee was also active in candidacy for Stephenson and he sent some men to me; many I knew at the time and many I did not; but I relied on these men to send me reliable men who would expend the money properly.	745
Candidate for senatorial nomination subjected to a great deal more expense than a local candidate would be; reasons for.	772

Gordon, George H., United States attorney for the western district of Wisconsin, La Crosse, Wis., testimony of:—Continued.

Chicago & North Western, I was retained to represent them locally at La Crosse for many years; and still do; no men employed by me in campaign were connected with this road.....	743, 759
Edmonds, I think I made arrangements for receipt and expenditure of money with him over long-distance telephone; received money from him by draft; my recollection is that I did not have a personal interview with him in regard to expenditures; I first met him in Milwaukee before he made arrangement with me; I can not recall what he said about how it was to be expended; I did not report to him details of work I was doing; he did not know any of men I was employing.....	742, 743, 771
Gelett, R. B., made arrangements with him about paying \$600 to two newspapers; he is stockholder, manager, and editor of one of them; paid him in currency.....	756
Kaizer, I can not remember how much I paid him.....	751
La Crosse County, I had been district attorney there at one time 20 years ago; \$1,800 was for campaign purposes in that county; all expended in that county, so far as I can tell; La Crosse city located there; men whose names given all residents of La Crosse; 36 voting precincts in; I have lived there all my life.....	755, 766, 768
Lang, J. C., worked for Stephenson; I do not recollect how much money I gave him.....	765
Larson, I remember the man but do not recollect how much I gave him..	765
Law, I was engaged in practice of when Edmonds asked me to handle this money for campaign; have been engaged in 25 years.....	743, 759
Legislative committee, I testified before them some time during the session; I do not remember the date; the money was spent in previous August; I do not think I gave the committee the amount paid to a single individual, except the \$600 to newspapers; since my examination by them at Madison, I have not discussed matter with any of men to whom money was entrusted.....	754, 755, 766
Liquor and cigars, none of this money expended for, to my knowledge; I spent none of it that way.....	762
McConnell, candidate for assembly against Mulder; got the nomination; I think he favored Hatton for United States Senator; I do not know whether I knew that at that time; made public announcement that he would stand by result of the primary; I do not know whether he voted for Stephenson on first ballot.....	756, 759, 770, 771
McConnell, I can not remember how much I paid him; he is not the same man that was a candidate for the legislature.....	751, 765
Men employed, this is purely a guess, but possibly there were 30 or 40; probably were a great many more than the names I have given; I can not tell just how many.....	766
Money:	
For what used; my testimony before joint committee, substantially correct; read as follows: Was distributed among workers, or distributing literature; putting up lithographs; distributing buttons; livery hire; automobile; newspaper circulation and advertising generally—that is what is was used for.....	744
How distributed, my testimony before joint committee, substantially correct, as follows: This was a new experience to me, the distribution of money in La Crosse, and I called in some of the boys that had had previous experience and who were acquainted with the men who had the influence, and they would send these fellows to me; and I would get the funds, what each thought was right, and if they wanted more they came back and got them, as long as they lasted.....	744
I can not in a single instance give the amount paid to a certain man in the campaign.....	764
I expended it for Stephenson by employing men to advance his candidacy.....	742
Was used for purpose of bringing out the vote and talking Stephenson to electors; if that can be construed as "influencing," I would say it was spent for purpose of influencing electors; I did not pay any money to any elector for consideration of his support; did not use it for purpose of changing favorably to Stephenson the action of any elector; money not used by me, either directly or indirectly, for bribing or corruptly influencing any elector.....	764, 765

Gordon, George H., United States attorney for the western district of Wisconsin, La Crosse, Wis., testimony of—Continued.

- Mulder, John, I can not remember how much I paid him or whether more than once; think he was paid in my office; saw him early in campaign; should guess I gave him from \$25 to \$50; was one of the original Stephenson men in county; was to use money to secure workers; I did not specify how much was for compensation; I think his nomination papers had been filed when money was given him; I can not recall discussing his candidacy for assembly with him; he announced he would support whoever was nominated at primary..... 750, 751, 756, 757, 758, 759, 771
- Mulder, John, I think I voted for him; I do not think I did much of anything actively for him; I think I contributed to his campaign from my own personal funds; probably \$10..... 773, 774
- Names of people to whom I paid money: C. S. Van Auken, W. E. Barber, Charles Smith, E. G. Perkins, Mr. Powell, John Mulder, Mr. McConnell, Mr. Kaizer, Mr. Young; I can not recall any more at present..... 745, 765
- Newspapers, I paid \$600 to Chronicle and Leader-Press, La Crosse, for extra papers put out in district; both papers owned by same individual; one is morning and other evening paper; I think two-thirds of \$600 was for one and one-third of it for the other; 300 or 400 extra papers put out with each issue, daily, I think, during the month of August; I put in literature sent me and paper supported Stephenson, editorially; I did not furnish mailing list; understanding was that they would send out as many papers as that money would pay for..... 751, 752, 753
- Perkins, E. G., I can not remember how much I paid him; I remember his getting some money from me; I think he got it only once; feel certain it was less than \$100..... 750
- Political organization, think I have been familiar with details since my majority; I did not have time nor funds to make canvass to ascertain the Republicans and which ones would support Stephenson; I would estimate cost per precinct to carry through successful organization at from \$60 to \$100; items that would go to make that up given in detail; estimate does not include newspaper advertising, circulation or publishing of literature, or expense of headquarters..... 768, 769, 770
- Powell, I gave him money two or three times, but how much he got each time I can not remember..... 750
- Puelicher, I met him twice, I think, when I was introduced to him in Milwaukee and at La Crosse several days before the primary, and he was then with Stephenson; I guess we discussed the candidacy at that time; not necessarily the three of us; there were a number of other gentlemen in Stephenson party..... 744
- State office, I was never elected to one at that time; I was never a member of either house of legislature..... 745
- Statement of manner of expenditure of money, I did not make one to Stephenson or anyone in his behalf; was never asked to make one.. 742, 745, 754
- Statute, requiring candidate to file an account, I expected Stephenson would file one, according to his knowledge as to manner money was expended; it did not occur to me, as his agent, that I ought to place in his hands data to enable him to file detailed account; I do not think law contemplates anything of kind; I think the general statute simply contemplates that the candidate shall account for manner in which money was disbursed, if within his knowledge..... 760, 761, 763
- Statute, requiring candidate to file an account, my construction of in hypothetical cases given; I think campaign manager should make a report; I do not think same obligation is upon lieutenants retained by him; I did not examine the law when I had this money to spend; within my knowledge courts here have not judicially considered this section of statute or other sections pertaining to election offenses..... 761, 762, 764
- Stephenson, I supported him in senatorial contest during direct primary of 1908; had been a supporter of his prior to my receiving any money.. 741, 745
- Smith, Charles, I do not remember how much I paid him; should guess it was less than \$100, because Mr. Smith was not so active as Barber.. 749, 750, 756

Gordon, George H., United States attorney for western district of Wisconsin, La Crosse, Wis., testimony of—Continued.

Talked with Barber, Smith, and Van Auken in my office; told them I had some money to use in Stephenson campaign, and I wanted their assistance; that they knew the workers throughout the different precincts of city and county, and I wanted to get men to work for Stephenson; I do not recall how I arrived at amounts paid them; I gave money at different times to some of them and to some at once; do not remember what I gave any of them; think I paid them unequal amounts.....	746, 747, 748, 755
United States district attorney, I was appointed in spring of 1909, I think..	755
Van Auken, C. S., in insurance business, had been chairman of county committee for great many years, employed by me to look after his district, to get men to talk for Stephenson and bring voters to polls at primary; he did not account to me; I did not see him expend any of it; I can not tell how much money was turned over to him; think he was paid more than others because he was more active; my guess is he was paid between \$50 and \$100.....	742, 744, 745, 746, 748, 755, 756
Work necessary for men to do: They had to go about to different precincts, and talk to voters about Stephenson; there were arguments used against him—that he was a very old man, decrepit, unfit for the position, and it became necessary to refute these statements; Stephenson had been allied with other faction than stalwarts and it became necessary to argue with them to get their support; it was necessary to talk Stephenson; tell who he was and what his position had been in State.....	768
Young, I can not remember how much I paid him.....	751
Governor of Wisconsin, communication to United States Senate forwarding certified copy joint resolution 58, certified copy volume 2, parts 1 and 2, Senatorial Primary Investigation, dated June 27, 1911, from.....	2, 3
Governor of Wisconsin, telegram sent to, notifying him of session of subcommittee convening; inquiring if State desires to be represented by counsel....	1

H.

Haley, Daniel, lumber business, Duluth, Minn., testimony of.....	1554
Brady, John, talked with him about the two traveling men (Fisher and another); said he knew Fisher; said Shields and Hines had a quarrel over some money.....	1560, 1561
Business of, Mr. Hines and Mr. Shields connected with.....	1555
Cook, think he might have talked with me about Shields's operations at Madison; probably asked me to go and see Shields; promised him would tell Shields to come to the office.....	1557, 1558, 1559, 1560
Cook, think I made a statement to, that I heard somebody else having a conversation (about the election of Senator Stephenson); do not know the men; think one was named Fisher.....	1555, 1556, 1561
Cook, Wirt H., and O'Brien, William; associated in business with; forming the Virginia & Rainy Lake Co.....	1555
Fisher, made statement to Cook as to overhearing conversation of; think he is a traveling man; circumstance occurred in Duluth.....	1555, 1556, 1560
Hines, in business with.....	1555
Money, never heard that Hines or Shields received or procured any to promote election of Senator Stephenson.....	1556
Shields, in business with.....	1555
Shields, talked with, about election of Senator Stephenson; never said anything to me about three men staying out of session; nothing said about Reader.....	1556, 1557, 1560
Hambricht, Charles M., Milwaukee, Wis., testimony of.....	1063
Account, I rendered an itemized one; by "Sundries" in account mean items I was unable to account when I came in; what I was short I put that way, which is a custom I have always observed in traveling; account given to subcommittee taken from memorandum book in which I kept an account as different items of expense were incurred.....	1063, 1064, 1070
Account of Stephenson campaign expenses by me, itemized. 1064, 1065, 1066, 1067	
Account, when I came in to headquarters each week or two weeks, I always told them what my expenses had been; I do not think they asked me for details; I gave them the amount; outside of that did not render an account to them.....	1070

Hambright, Charles M., Milwaukee, Wis., testimony of—Continued.

Blaine, John J., fifth specific charge made by, is absolutely false, so far as using money corruptly is concerned; I admit I received a certain sum for services rendered.....	1067, 1068
Business, was in manufacturing business until January, 1908, when it burned out; not in anything particular after that.....	1063
Campaign, participated in Stephenson's as a scout; engaged in two months, July and August; I saw the leading men in different counties to ascertain how they felt toward Stephenson and if they were in accord with me to try and get them to work for him.....	1063, 1068
Compensation was \$150 a month.....	1068
Money, I received \$300 for services and then expense money of \$245.50.....	1063, 1069
Money, none used for gaining the vote of any elector, in my way of thinking, unless it was buying cigars; none paid out by me, or so far as I know by men with whom I had arrangements, for the purpose of bribing or corruptly influencing voters.....	1068, 1069
Money spent in nine different counties for hotel, railroads, posting bills, telephone, and things of that kind; bought meals for myself and occasionally for men I met; spent some for cigars, not for liquor; spent as set forth in account.....	1063, 1064, 1068
Sacket, I think all the money I received came through his hands; made my arrangements with him in Milwaukee, said "go on and do as you think best in the matter"; I was to go out and do what I could for Stephenson in seeing politicians and business men; I had a large acquaintance throughout the State; he said "we do not want a saloon campaign"....	1068
Saloon campaign, I did not make one.....	1064
Wilson, William and John, of Darlington, two weeks before the campaign closed I hired them to go on and work the county; they were told to me to be best workers in county; were to do posting and hand out buttons and work of that kind; poll work not mentioned; each was to receive \$5 a day and expenses; hired them August 14, I think; I do not know who paid them; I did not.....	1069
Workers in campaign, I did not disburse any money to, unless it was little items to tack up posters or something of that kind.....	1069
Hamilton, Archibald, inspector at the primary election of 1908, Milwaukee, Wis., testimony of.....	1923
Money, received \$25 from representative of Senator Stephenson for use in the primary election in 1908; used it for peddling his literature and pictures; never used any other for bribing or corruptly influencing any electors in the interest of Senator Stephenson; no complaint ever made as to the discharge of my duties as an inspector.....	1923, 1924, 1925
Hanson, Joseph T., pension attorney and circuit court commissioner, Mauston, Wis., affidavit of.....	2004
Age, 68 years.....	2004
Edmonds, requested by to take charge of campaign in Juneau County, but refused to do so; notwithstanding this, funds with which to carry on the campaign were sent, and checks amounting to \$500 made out to affiant, notwithstanding campaign managers at Milwaukee were instructed to make out the checks in the name of T. J. Dalton, a cashier of the State Bank of Mauston; on receipt of such checks indorsed them and turned them over to the cashier; funds kept in bank, deposited in name of affiant, and checked out as needed; balance of \$160 now in bank....	2004
Justice of the peace for Juneau County, for many years served in the office of.....	2004
Mauston, resided in for more than 50 years past.....	2004
Money not disbursed for the purpose of corruptly or unlawfully influencing or bribing any person.....	2004, 2005
Money, various persons to whom paid are able to give a detailed and itemized statement of how spent.....	2004
Statement of money disbursed, not called upon to furnish any itemized... Stephenson, supporter of in the primary campaign of 1908; aside from speaking a good word for him wherever he could, did no active campaign work; did advise with campaign managers as to the men to interest in the campaign, and gave information as to who were Stephenson men....	2004
Harlan, Justice, adjournment as mark of respect on account of death of.....	996

	Page.
Harper, James H., fire insurance business, Duluth, Minn., affidavit of.....	2126
Business in Duluth conducted by the Harper-Shields Co., a Minnesota corporation, and at Superior by the Harper-Shields Agency, a Wisconsin corporation.....	2126
Hines, statement made that he sent Wiehe after Shields and got him back and they compromised on \$5,000 or \$7,000, and that a certain amount of insurance was given Shields by way of compromise or settlement, is untrue, so far as affiant has any personal knowledge or information....	2127
Hines, statement made that he told Shields that if he persisted in black-mailing him in that way he would see that he went to the penitentiary and the statement of Shields in reply thereto, is wholly false, so far as affiant knows or has any information.....	2127
Husting, Paul O., statement made by, as a witness in this investigation, relative to a conversation between said Husting, Wirt H. Cook, and others at the office of Attorney McCordic, in the Rooker Building, in Chicago.....	2126
Insurance on any casket factory in Chicago was solicited by affiant of D. S. Sattler, president of the Western Casket Co. and the Western Casket & Undertaking Co., about a year ago; Shields and affiant owned a portion of stock of said casket company, had never received a dividend thereon, and affiant urged and insisted his agency should be given a portion of the insurance of said casket company by reason of that fact.....	2127
Shields, Robert J., of Superior, Wis., acquainted with, for a number of years past; associated with him in the fire insurance business both at Duluth and Superior.....	2126
Shields, statement made about his going to Chicago to get \$15,000, then to Hines's office and demanded his pay for what he had done, and Hines told him it was too much, or that he would not pay him, or something of that kind, affiant does not know of his own personal knowledge as to its truth or falsity, but according to his knowledge, information, and belief, it is untrue.....	2126
Shields, statement made that he went back to Superior and got Harper, and they went down to Chicago and Wiehe and Hines were there and got into a dispute and got pretty loud, is not true.....	2127
Haslam, William C., Chicago, Ill., deputy game warden at Appleton, Wis., during 1908, testimony of.....	963
Account, I did not render one of my expenditures; was not asked to; would pay a man as I hired him; made no report of any kind with respect to expenditures.....	966, 967
Automobile, some days my bill for it would run \$15 or \$20 and then again it would run \$5; county is long and no railroad cuts into those towns, and I went around to see that literature was posted and kept up....	965, 969
Brown County, I ran across 89 men who were going to do all they could to elect Stephenson; I sent those names to headquarters in Milwaukee..	966
Brown County, manager of Stephenson's interests there.....	963
Campaign, I worked from the 1st day of August until the day of the primary, for which I received \$200 and expenses; was driving over country every day.....	965, 968, 969
Deputy game warden, received at that time \$2.50 per day and all expenses as.....	968
Edmonds, I received \$200 in cash from him at Appleton in the fore part of August; next received from him two checks for \$200 each; would not be able to give the dates; then third check that I received for \$26 was some time in September.....	963
Edmonds, made arrangements with me personally at Appleton, Wis.; conversation with; told him I thought it would cost \$400, with \$200 for my own; he said: "Then that would be \$600"; talk was after I had received chief's consent to take a vacation.....	967
Liquor and cigars, must have expended part of money for; did not expend to exceed \$25 for cigars; spent very little for liquor.....	964, 965
Money, how disbursed, I hired billposters, men to get me lists of voters in precincts, and men with teams in certain localities to bring voters to polls, distribute campaign buttons, cards, and literature; for railroad fare and for eatables for myself and for postage stamps, stenographers, stationery, telephones, and telegrams.....	964, 969

Haslam, William C., Chicago, Ill., deputy game warden at Appleton, Wis., during 1908, testimony of—Continued.	
Money, I did not spend any for purchase of any votes or to influence any man to work for Stephenson; none spent by those to whom I paid it, to my knowledge, for purpose of bribing or corruptly influencing electors.	966, 969
Money, received \$626 from Stephenson campaign fund; I spent \$426 for expenses incurred in carrying on work in Brown County, and \$200 I kept for myself.	963, 964
"Rump convention," I was a delegate to it; they called it that at Madison at the time the "halfbreeds" and "stalwarts" split; I entertained the delegates in meals and one thing and another—cigars, street car fare.	965
Saloon campaign, my orders from Mr. Edmonds were not to make a saloon canvass, and I did not do it.	965
Statement of expenditures rendered before committee, was a statement from memory as near as I could call to mind at the time; items enumerated there are correct; accounts for a little over \$100; given as an exhibit.	964, 968
Stephenson, had known him a long time; shined his shoes for five years; have been much attached to him all my life.	966
Stone, letter to him, asking him for leave of absence for month of August.	966, 968
Vacation, I was on one as State game warden when I was working for Stephenson at that time.	965
Hearsay testimony, as to admission of.	594, 595, 596, 597, 867, 868, 1140, 1158, 1159, 1948
Heyburn, Senator Weldon B., views of, in support of the report of the committee.	IX
Heyer, A. O., publisher, Sheboygan, Wis., testimony of.	890
Account, I did not render one; kept memorandum for purpose of giving one; saw Edmonds, and he said he did not care about it.	893
Distributing ballots in city and county, \$51.50; was for parties who were supposed to be in different towns to distribute sample ballots.	891
Distribution of literature and organization, \$74.50; item accounted for by fact that Edmonds asked parties up here to find out those favoring Stephenson and send in their names; these people worked before primary day and sent in names to Milwaukee headquarters.	892
Expense incidentals, paid to workers, \$44.25; a number of workers in different wards would come in and say they had a little expense and that is all put together in that item; includes postage.	892
Expense of going through county, \$56; trip took several days and included meals and stopping at hotels; there were several in the party that went along, all the time, at different places; not anything in particular spent for drinks and cigars out of that, except when you stop at hotels it is customary to buy cigars.	891, 892
Livery hire, \$28.75; that is part that I paid out and part that others had paid out who had gone out, sent to help in organization; kept separate from organization item in account; automobile hire for same purpose.	891
Memorandum of bills.	890
Money, none spent by me, nor to my knowledge, by those I paid for the purpose of bribing or corruptly influencing electors.	892
Personal expense item, \$16.50; I had to go to Milwaukee and to other places and that is about the amount I spent.	892
Printing, all done at regular advertising and printing rates.	891
Saloon campaign, we did not make one.	892
Sum of \$500 received from Stephenson campaign fund for paying some of the bills Edmonds had practically contracted for, or had some work done in Sheboygan and Sheboygan County.	890
Workers on primary day, 15 precincts, \$60.50; item was expended on primary day. In some of the precincts in the country, where people would take voters to the polls, they received a few dollars; and in cities they distributed cards around that day, or saw that voters got out.	892
Hines, Edward, lumber business, Evanston, Ill., testimony of.	1567, 2084
Campaign expenses, in 1908, do not remember of making any contributions to State executive or campaign committees; our subsidiary companies may have made small contributions for public speakers or something of that kind.	1576

Hines, Edward, lumber business, Evanston, Ill., testimony of—Continued.

- Companies interested in, president of: White River Lumber Co., at Mason, Wis.; Iron River Lumber Co., at Iron River, Wis.; North Wisconsin Lumber Co., at Hayward, Wis.; and Washburn & North Western Railroad; advised all our managers and men to do all they could for Stephenson in primaries; none of men took part in campaign after election at Madison..... 1573, 1574, 1575
- Conferences, about tariff on lumber, at which several Senators and other gentlemen were present, demanding \$2 a thousand..... 1572, 1573
- Cook, wrote letter about me on February 7, 1911; contemplated making charges; wanted me buy stock in company..... 1569, 1570, 1571
- Davidson, Col., gets large proportion of insurance, as matter of courtesy, by reason of representing McKenzie & Mann, a large stockholder in Virginia & Rainy Lake Co..... 1576, 1578, 2089
- Edmonds, had no communication with..... 1574
- General assembly, none of my men were candidates for..... 1575
- Harper, know well; never came to see me on subject of owing Shields money for election..... 1577, 2087, 2088
- Insurance, have not increased lines at all; did not promise Shields any as a consideration of services rendered at Madison or elsewhere; have carried large lines for great number of years; losses have been at a minimum; relations with various companies most cordial; never had controversy with any company..... 1577, 2086, 2088
- Record kept for every day for past 20 years, where I have been and what I have done..... 2086, 2087, 2088
- Shields, Robert J:
- Conversation with at my office in Chicago; wanted larger amount of Virginia & Rainy Lake Co.'s insurance; could not give it to him; nothing said on subject of Stephenson's election; first heard of report about owing him money for election from Saturday afternoon papers in Chicago; no truth in it..... 1576, 1577, 2088, 2089
 - Conversations alleged to have had with in regard to payment of sum of money for election, absolutely had none..... 2085
 - Had no communication with after general election; saw only once between October, 1908, and June, 1909, at Washington; no arrangement made to "hold up" election of Stephenson..... 1575, 2085
 - Lives at West Superior, know well; never paid to him nor authorized him to make payment nor promise of any for any sum of money, or anything of value to assist in Stephenson's election..... 1568, 1569, 1580
 - Never had any controversy with about financial matters, personally, during 1909; paid him money continuously for insurance; attends to paying all taxes for us; asked to assist in getting signatures of business interests for a business men's appeal to people for election of Stephenson; did not pay him for this..... 1568, 1569, 1575
 - Never stated had burned buildings, bribed assessors, or committed any crimes for me; never made any demands for compensation for services rendered or had any settlement with in regard to Stephenson's election..... 2086
- Stephenson, considered him best man in every way for position; had no thought on subject of tariff at time of election; had not requested me to get help from my men; was my own motion; voted for an amendment in Payne-Aldrich bill on tariff on lumber..... 1574, 1581
- Stephenson, did not approach with suggestion that his election was attended with trouble and could take care of it if he would contribute either \$55,000 or \$115,000..... 2085
- Stephenson, have had extensive business dealings with, to extent of eight or ten millions of dollars; bought from, never sold to; saw several times in Washington, had incidental talk about election; know nothing about his campaign except what read in papers from time to time; did not favor reduction of tariff on lumber; nor free lumber..... 1568, 1569, 1571-1574, 1580
- Stephenson, Senator, have known for 20 years or more; elected to United States Senate March 4, 1909, did not assist him in any way in election, nor receive money, draft, or anything of value to be used by me or anyone through me to forward his election; never known to authorize anyone to fill in blank draft or check..... 1567, 1569, 1571

- Hines, Edward, lumber business, Evanston, Ill., testimony of—Continued.**
- Turrish, Henry, conversation with, in rotunda of Grand Pacific Hotel, Chicago, some time in June, 1909, in presence of Cook; wanted to know about tariff discussion in Washington, told him looked like lumbermen would have to make concession from \$2 a thousand; nothing said about Stephenson's reelection; never made any statements as credited to me about this..... 1572, 1573, 1578, 1579, 1580
- Turrish, in lumber and timber business; not associated with..... 1571, 1572
- Turrish, saw in Duluth about three weeks ago, spoke of going West shortly in reference to some fur interests; heard testify in Washington, July 17; my recollection of conversations credited to have made with, just the contrary..... 1578, 1581
- Washington, D. C., was in greater part of time from November, 1908, to June, 1909; at banquet given by Congressman Wheeler, of Pennsylvania, some time in February, 1909, was asked to express lumbermen's views on lumber tariff..... 1568, 1575, 1576, 1580
- Hornibrook, Henry C., superintendent of N. Ludington Co., Marinette, Wis., testimony of..... 1857**
- Box, first saw in spring of 1909; was nailed up; in warehouse of N. Ludington Co.; was not in charge of warehouse when came in; was opened and all of contents taken away in gunny sacks; showed had been opened before..... 1857, 1858, 1859, 1860
- Box, position of in warehouse, stood to right, just inside of door..... 1860
- Box, put back in, some letter files that had been left in Senator Stephenson's office; this was first time had had anything to do with; remained there for about a month after this; do not know of anyone taking anything out of, except Miss Stringham and Mr. MacLean; or of having been searched through..... 1858, 1859, 1860, 1861
- Gunny sacks, never saw after taking away contents of box at warehouse... 1860
- Kates was with MacLean when came for contents of box..... 1860
- Letter files, were several in box; had put them there about a month or so previous; got from table in Senator Stephenson's office same day MacLean left them..... 1859
- MacLean helped to get contents out of box; had received instructions; notified me about papers at Stephenson's office..... 1858, 1859, 1860
- Papers, knew to what referred in general way; do not know why were taken away; never gave it a thought, that were taken away in order to keep from investigating committee..... 1860
- Store clerk, usually receives shipments that go in warehouse; Charles Skowlund was, at time box came in in fall of 1908..... 1859
- Stringham, Miss, did not see get letter files from box; heard she had taken them; heard ask young man out in store where box was; away from office when went for letter files to put back in box..... 1858, 1859
- Hoyt, M. A., editor of the Milwaukee Daily News, Milwaukee, Wis., testimony of..... 1590**
- Candidate for nomination on Democratic ticket for United States Senator in 1908..... 1590
- Wagner, told me there had been a condition at the Plankinton house that he knew about; mentioned the names of Ramsey and Farrel and a banker; it seemed so improbable that I did not stop to discuss the thing; think he mentioned Regan; think he was the same man indicted for swearing to the statement in regard to this occurrence; never published the story until after the testimony at Madison..... 1590, 1591, 1592, 1593
- Hughes, John, as to his not appearing before committee..... 1991
- Hughes, John, former member of Wisconsin Legislature, telegram from postmaster at Reeseville, O. A. Sells, stating that he quietly slipped out of Reeseville for parts unknown in September, 1910..... 1934
- Hulbert, A. I., deputy game warden, Barron County, Wis., testimony of..... 953**
- Account; I did not render one; not called upon to; made a memorandum at the time I made payments, so that I could show Porter to whom and how much I had paid; did not expect anything only to get my money back..... 958, 959
- Civil-service law with regard to game wardens..... 962
- Edmonds; received check for \$100 in envelope from him either day before primary or on that day; there was a letter with it which I think I burned up later on; as near as I can remember I think it said: "I am this day mailing you a present, which should have been mailed before, but was overlooked"..... 955, 958

Hulbert, A. I., deputy game warden, Barron County, Wis., testimony of—Contd.	
Edmonds; when the campaign first started, I got a letter from him, I think, asking me to take charge of Barron County; I told him that I could not do it; that I had all the work I could do, and was under civil service . . .	953
Game warden; I was under civil service and not supposed to take any part in politics; if I had not been one I think I should have been more active for Stephenson; it did not prevent me from accepting a present.	961
Men to whom I paid sums aggregating \$24.50, at the request of Warren Porter; he said to give them what they asked, but not to give over \$5 to any one of them; I told every one of them I was paying those bills for Porter.	954, 955, 957, 959
Money, I paid different parties in city of Barron a small sum out of my own pocket, which I was to receive from Porter when he got back.	954, 956
Money, neither Porter or Edmonds knew how much I had disbursed.	960
Money, none paid by me, or as far as I know by men to whom I gave it, for purpose of directly or indirectly bribing or corruptly influencing electors.	961
Porter, did not pay me back at all; I spoke to him about it, and he asked me if I did not get my pay; I said I got some money, but where it came from I did not know; he said: "If you are satisfied, all right; keep still;" that was said a month or six weeks after the primary.	957, 958, 960
Porter, Warren, took charge of Barron County; he is an old soldier, and was going to the reunion; he wanted to know if I would not pay certain parties that he had spoken to some money, to look after polls in city of Barron; I said I would; he went to Milwaukee, and the next day or so the check for \$100 came from Edmonds; I don't know whether he had it sent or not.	953, 954, 959, 960
Stephenson, I was not working for him; I was friendly to him; made up my mind to vote for him when he first came out; never had any talk with him; did not solicit votes for him.	956, 958, 961
Sum of \$24.50 all I disbursed.	955, 960
Sum of \$100, when I received it I kept it; more than reimbursed me for money I paid out; I spent \$24.50 at request of Porter; so balance of \$75.50 was a present to me; I do not know what I got it for.	955, 956, 957
Husting, Paul O., member of Wisconsin Senate, testimony of.	1903, 1933
Broughton, P. E., witness before Wisconsin Senate committee; do not know of any special features in connection with his testimony that this committee ought to know.	1921
Campaign, charge that Stephenson and managers covered up methods of conducting, based upon whole record and upon bank methods and fact that he did not inquire of any of his agents what they did with the money.	1914
Candidates for nomination to assembly, Bancroft, Wellensgard, Reynolds, Mulder, Everett, and W. L. Smith, upon what section of statute charge they were given money based.	1914
Chicago, went down there to run down some statements I had heard, I think some time in May, 1911; was alone on train; met Assistant Attorney General Titus and Gov. Morris at Great Northern Hotel there around 9 o'clock in morning of day we had talk with McCordic and Cook; from there we proceeded to McCordic's office in Rookery Building; purpose was to find some information that might be valuable for committee to know before legislature adjourned.	1938, 1939, 1957
Conversation at Chicago conference, considered it important; never made any record or memorandum of.	1957, 1958
Cook, at Chicago conference, said Shields was to get \$15,000, and when he demanded it Hines told him it was too much, and Shields went back to Superior and got Harper, and they went to Chicago and Wiehe and Hines were there and got into a dispute; Hines told Shields if he persisted in blackmailing him he would see that he went to the penitentiary, and Shields said: "I've burned buildings, bribed assessors, and committed every crime in calendar but murder for you, and if I go to penitentiary, you are going along with me." Shields left office in a rage, and Hines sent Wiehe after him, and they compromised, I think, on \$5,000 and some insurance on a casket factory.	1960
Cook, at McCordic's office in Chicago, first thing he said was that he would refuse to tell us anything except in confidence.	1941, 1959

	Page.
Husting, Paul O., member of Wisconsin Senate, testimony of—Continued.	
Cook, at McCordic's office in Chicago, told us substantially same thing McCordic had told us, as near as I can recollect; also told us he had personally met Shields on train from Duluth to Chicago and told him he was a "cheap skate"; that he had heard he had a chance to hold up "old Hines" and had "let him off easy"; and Shields gave him some answer acknowledging it was all true; barely possible he told us that on train, but I think it was in McCordic's office.	1941, 1958, 1959, 1960, 1961
Crothers, C. E., witness before Wisconsin Senate committee, do not know of any circumstance that would make it important that this committee should examine him.	1921
Democrats, charge that election of Stephenson March 4 by legislature was made possible by three who at the instigation of Stephenson's managers and agents walked out of joint assembly when it became known that their presence would prevent the election of Stephenson, I still desire to stand by; general belief that something was done, but there was no evidence before our committee to show what was done, or in what manner it was done.	1916, 1918
Destruction of original memoranda by Stephenson and agents, as charged in report, refers to statute requiring candidates for office to file an account of their campaign expenses; twelfth charge in report that Stephenson had knowledge that his agents destroyed memoranda is based on whole record.	1908, 1909, 1914
Disbursing money, why charge that Stephenson's method of, differed in no manner from that employed by his managers, was put in report.	1912
Dresser, L. B., letter to, from Stephenson, dated July 14, substantiates eleventh charge in report that Stephenson had knowledge of manner in which his campaign was being conducted and purposes for which money was being disbursed.	1912, 1913
Eastman, A. O., witness before Wisconsin Senate committee and joint legislative committee, have nothing in mind that would make it worth while to go to expense of bringing him here; his testimony speaks for itself. ...	1922
Edmonds, by destruction of memoranda as treasurer of State central committee, violated specific section of law.	1909, 1955
Edmonds, Stone, and others, charge in report that they conspired to prevent the disclosure in the investigation of the fact that Stone received \$2,500 from Stephenson campaign fund, how classed as violation of statutes.	1915
Eppling, Rev. F. W., charge in report that he had been a supporter of McGovern and Stephenson gave him \$200, whereupon he became a supporter of Stephenson, is under the bribery clause.	1911
Failure to file statement of expenses, as charged in report, referred to statute requiring candidates for office to file an account of their campaign expenses; shown to be premeditated by fact that accounts were not kept, as charged in report, statute violated by.	1908, 1909
Fraud connected with Stephenson primary campaign, conclusion in report that it resulted in his nomination, and contributed directly to his election by legislature.	1920
Gehbe, Dr., witness before Wisconsin Senate committee, I remember part of his testimony; some of it in regard to controversy with Edmonds.	1922
Howie, charge in report that Stephenson paid him, whom he supposed to be influential with the laboring men, \$100, is under the bribery clause. ...	1911
Hughes, John, was a druggist and publisher of Reeseville Review, Reeseville, Wis., I understand that he has left the county and State; think his partner, a Mr. Flavin, is running his newspaper now.	1933, 1934
Investigation, charge in report that Stephenson's managers used every means at their command to prevent one, of manner in which he obtained primary nomination, and for the purpose of putting an end to it injunction proceedings were begun; injunction denied by supreme court. ...	1915
Investigation, have taken a decided interest in one before this committee.	1950, 1951
Investigation of primary campaign based upon charge of fraud in Stephenson campaign and on account of making new legislation and on account of testing legality of Stephenson nomination and question of Senatorship generally; we were directed under the resolution calling for to suggest legislation, which we did, and the corrupt practices act was passed.	1920

Husting, Paul O., member of Wisconsin Senate, testimony of—Continued.	Page.
James, N. L., charge he received money from Stephenson campaign fund, part of which was used in hiring Democrats to work among the Democrats, is under bribery clause of statute.....	1911
Joint investigating committee, I think, ceased its work some time in April, 1909; think they had a session afterwards for purpose of formulating report; house members of did not meet with senate members of; do not think house and senate members met together at any time after joint committee ceased its work.....	1951
Jones, J. R., witness before joint committee, do not remember anything that would vary his testimony from that of a great many others.....	1922
Kohl, William H., witness before Wisconsin senate committee; denied that he had been promised some post offices by Stephenson; his recommendations for post offices have been carried out since that time ...	1922, 1923
Lehr, J. Elmer, witness before Wisconsin senate committee, do not think his presence before this committee would add to its enlightenment.....	1935
Lehr, State senator, witness before Wisconsin senate committee, made some legal arguments before the Wisconsin Senate as a member; testified he had received some money from State central committee; do not think it was claimed he had received money from Stephenson or any other candidates during primary campaign; was an open supporter of Stephenson throughout contest.....	1937, 1938
McCordic, conversation within his office in Rookery Building, Chicago, told us Cook had heard that Hines sent somebody to Madison (I think Shields) to aid in heading off Stephenson's immediate election; this agent told some men who were voting for Stephenson that they were fools and if they would hold off there might be something in it for them; that this agent was successful at Madison; whereupon Hines told Stephenson he could procure his election for \$115,000; that Stephenson demurred, but afterwards paid half the money, or rather \$55,000; then Hines dispatched Shields down to Madison to do the job, and he did it..	1940, 1956, 1958
McCordic said Cook was in Chicago on his way home from the Helm committee, and he thought Cook would agree to talk to us, providing we would agree to hold the matter confidential; we told him we would treat it as confidential, whereupon he called up Cook and within 10 minutes Cook appeared there at his office.....	1940
Member of senate committee that signed report in conjunction with S. M. Marsh and Thomas Morris.....	1903
Money disbursed in campaign, charge in report that probably a sum in excess of \$50,000 was used by Stephenson's managers to unlawfully and corruptly procure his nomination and election, is general; based on whole record.....	1916
Morgan, Earl J., son-in-law of Stephenson, charge in report that Stephenson paid him and others large sums of money, which were used by them to induce other persons to assist in procuring the election of Stephenson, is under the bribery clause.....	1911, 1912
Morris, heard him testify in regard to conference in Chicago and in relation to his inability to remember name of attorney in whose office it was held; think when he was being examined here either he or some one came to me and asked me what the name was and I told him momentarily it had escaped me; before that session concluded I gave the attorney's name to committee.....	1957
Myrick, Harry T., witness before Wisconsin senate committee, was editor of Milwaukee Free Press; think he might give additional evidence to show connection of Stephenson through his newspaper with an endeavor to stifle investigation.....	1935, 1936
Names of witnesses, have none in mind who, in my judgment, would throw additional light upon charges under investigation.....	1947, 1948
Noyes, editor of Marinette Eagle and Star, charge in report that Stephenson knew Van Cleve paid him for purpose of stimulating him and his paper to further editorial activity; violated bribery statute.....	1911, 1955
Raisler, A. A., witness before the Wisconsin senate committee who testified Stephenson contributed \$2,000 toward expense of Republican State central committee; do not know of any reasons why that was an improper contribution except that Stephenson may have had a string on it.....	1936

Husting, Paul O., member of Wisconsin Senate, testimony of—Continued.	Page.
Ramsey, was one of members who voted for investigation; one of inexplicable things about investigation was fact that he at a crucial moment should pair with a man who had not been in attendance during entire session; fact that man he paired with (Fenelon) was there and voted for Stephenson four times, I was not advised of, but it does not change my opinion in matter; why his being paired was unusual.....	1917
Report dated January 10, 1911, had under consideration not quite two years; not constantly at work on during that time; prepared and concluded between December, 1910, and January, 1911; only one of those who signed it was actually a member of committee or senate at time it was signed and filed; not made to legislature that authorized investigation; filed with governor before noon and half hour before new session of legislature convened; certified to United States Senate.....	1903, 1904, 1905, 1906, 1920, 1951, 1952
Resolution and report of Wisconsin senate committee, both houses of the legislature passed the resolution and adopted the report in the words of the resolution.....	1920
Reynolds, in paying \$80 to, as charged in report, Stephenson violated statute which prohibits anyone from contributing money to assist a candidate for legislature residing outside of district in which contributor resides.....	1910
Reynolds, Thomas F., witness before joint investigation committee, do not believe his testimony would be anything but cumulative.....	1936
Senate committee, finding of in report that the nomination in the primary and election to Senate by the legislature of Stephenson is null and void; on account of briberies and corrupt practices by himself and agents and violations of the laws of Wisconsin.....	1920
Shields, do not know of any testimony that would throw further light upon story of Stephenson's payment to Hines to fix legislature, unless through him; lines on which I think he ought to be further examined.....	1941, 1942, 1943, 1944
Shields, have no information as to where he obtained \$700 which he claims to have expended while at Madison during session of legislature....	1946, 1947
Shields, heard from Senator Marsh subpoenas were issued for him and placed in hands of some officer and reports we got back were that he did not show himself within the city of Superior; papers of Madison and Milwaukee published fact that he was wanted; committee wanted him after 4th of March; did not know of his being in Madison during time of investigation; to my knowledge never appeared before committee; did not learn at any time he was at West Baden during hearings.....	1945, 1946, 1948, 1949
Statement that Stephenson furnished Hines or Shields any money for purpose of corrupting any member of legislature, I do not know whether it has any foundation.....	1962
Stephenson, Senator:	
Agreement of, with managers to keep secret disbursements of campaign, as charged in report, violates no specific law of Wisconsin, but is based upon statute which provides for publication of campaign accounts.....	1907, 1908
Charge in report that he kept in touch with managers and campaign; that he traveled through the State and was in his home in Marinette throughout the campaign except when at Milwaukee headquarters or traveling about State, is a statement of facts that appear from the record.....	1912
Charge in report that he was elected by the legislature to the United States Senate, by a majority of three votes, while charges of corruption against him were being investigated by legislature, I do not think committee or United States Senate care to pass upon.....	1916
Conclusion in report that he was only candidate before legislature and those who opposed him did so only because they considered that the charges that had been made should be thoroughly investigated before electing a United States Senator; considered in that connection charges relative to other candidates before the primary.....	1919, 1920
In paying money to State Game Warden Stone and L. B. Dresser, then president of State board of control, as charged in report, violated section of statutes under the head of "Political assessments prohibited" and bribery statute.....	1910, 1911, 1915

Husting, Paul O., member of Wisconsin Senate, testimony of—Continued.	Page.
Stevens, L. H., arrangement between Stephenson's managers and him to have Lancaster bank made one of the State depositories, charged in report as a clear violation of law, refers to bribery law.....	1915
Stone, charge in report that he and several of deputy game wardens entered into an agreement whereby Stone was to and did testify falsely in the investigation with reference to disbursement of \$2,500 received from Stephenson campaign fund, came under violation of bribery and perjury statutes; he was never prosecuted; committee recommended prosecution of those who committed perjury.....	1915
Testimony, concluded taking in May, 1909, I think.....	1904
Titus, do not know where he is now; have not seen him since legislature adjourned some time in July, 1911.....	1956
Trunk, think witnesses should be examined to explain whether there was an opportunity to remove papers that should have come before Wisconsin senate committee.....	1944, 1945
Tuttle, E. W., witness before joint committee, think his testimony would be cumulative.....	1937
Wagner, do not believe his testimony in regard to the "frame-up", pursuant to which three Democrats were met at Plankinton House and bribed to remain away from legislature; we stated we did not believe it and a statement to that effect was published within 36 hours after the testimony was taken; as far as testimony before our committee was concerned there was no evidence of facts testified to by him.....	1918, 1919
Wagner, Frank T., former witness, do not think it would add to enlightenment of this committee to reexamine him.....	1937
Wells, J. H., witness before Wisconsin senate committee, know of nothing outside of what he testified that would shed further light on questions under consideration.....	1937
Wisconsin Legislature, tenure of members and session of.....	1905, 1906
Wyseman, Arthur J., witness before joint committee, have no intimation as to any further facts to which he might testify.....	1937
Husting, Paul O., telephone message sent to, about Hines appearing before committee.....	2084
Hyzer, E. M., attorney of record before joint investigating committee of Legislature of Wisconsin, testimony of.....	1018
Blaine's specific charge No. 13 wholly without foundation of any kind.	1019, 1020
Chicago & North Western Railroad, was attorney for, in 1908; I never heard of any concerted effort among its officials to aid Stephenson campaign.....	1019, 1021
Nelson, E. F., former assemblyman, prior to primary election of 1908 I did not contribute or agree to contribute free services, as an employee of the Chicago & North Western Railway Co., for the purpose of defeating his candidacy for nomination for assemblyman, as charged in specific charge No. 13; I never could imagine why that charge was made; I do not think I ever heard of him or his campaign; I never had any correspondence or conversation with anybody on subject.....	1019, 1020
Sells, Max, attorney, who lives in Florence, was not associated in any way with me in practice of law; some years before that he had been local attorney for North Western Road at Florence; did not have any conversation or correspondence with him on subject of Nelson's candidacy.	1019
Specific charges by Blaine, I have no information that can throw any light on them.....	1021
Stephenson, I appeared for him before joint investigating committee; presume I made an opening statement in his behalf before committee..	1018
Stephenson's campaign, had very little to do with it; I was one of Stephenson's attorneys at that time—a member of the firm of Cary, Upham & Black; had recently become a member; he was frequently at the office, and I was thrown much in contact with him; many people from various parts of the State came to office to see him, and I heard more or less talk about campaign; that is all I had to do with it, and that is strictly nothing; never received a dollar for services in connection with his campaign; had nothing to do with expenditures of campaign.....	1020, 1021

James, David, State senator of Wisconsin in 1909, Richland Center, Wis., testimony of.....	1755
Absentees, knew of none except Mr. Scott.....	1757
Grand Army of the Republic, am member of.....	1756
Pairs, was paired with Mr. Scott on 4th of March; he was an anti-Stephenson Republican; was paired only on the question of the vote for Senator Stephenson.....	1755, 1756
Scott, paired with, on 4th of March, 1909; he had to go home on account of sickness in his family, and I had to be away two or three days; was paired with merely on the vote on Senator Stephenson, not on the question of a quorum.....	1755, 1756
Voted for Senator Stephenson consistently; did not support him in the primary.....	1757
James, Norman L., lumbering and agriculture business, Richland Center, Wis., testimony of.....	884
Brother was candidate for office of State senator in 1908 campaign; I did not campaign in his interests particularly; he was elected.....	884
Edmonds, called me up on phone and said that McMahon had told him I was using my own funds and that he would send me a check for \$300; asked me how much money I had expended and I said, "I think about \$360".....	886
McMahon, came into my office a stranger and represented that Edmonds had sent him down to look the situation over; while he was there men drove up with teams and I gave them instructions and money, and he found out I was using my own money; he said he was going back to Milwaukee and tell Edmonds he ought to send me some money.....	886
Money, how expended; I spent it to hire teams to canvass in the interest of Stephenson, to put up posters and lithographs, and for buttons and other printed matter.....	885
Money, I did not expect Edmonds or Puelicher to send me a dollar, and I do not think they would have if Mr. McMahon had not come in just as I was arranging with parties to help me run campaign.....	888
Money, I did not receive any until after I had expended money of my own; received \$500 and expended between \$600 and \$700; received \$300 from Edmonds August 26 and \$200 from Puelicher September 10.....	885, 887
Money, none spent by me or others, within my knowledge, for bribing or corruptly influencing electors.....	889
Public office held, was member of assembly in 1873 and 1875 and I was in the State senate in 1885 and 1887.....	884
Puelicher, called me to phone and asked me if Edmonds had sent me a check; I told him he had; asked me how much it would take and I told him I was working in counties where I was well acquainted and I did not think it would take over \$500 for the limit; he said, "Then, all you need will be \$200 more?" and I said, "That is all I will take; what more it takes I will put up myself"; after the election he sent me a check for \$200.....	886, 887
Stephenson, Senator:	
Conversation with on fishing trip, addressed to Van Cleve, Puelicher, and me; he said, "I am willing and expect to pay legitimate expenses; I do not want my friends to run a saloon campaign; I do not like the idea of having a whole lot of heelers around the polls; what I want is to have my friends work, so that at my age, I will not be criticized".....	887, 888
Have known him intimately and he has always talked to me without reserve; have known him since 1873 and intimately since 1880....	888, 889
I campaigned for him in 1908.....	884, 885
I have been his friend for a great many years, and we had a conversation about his candidacy, and I told him I would do what I could for him; there was no arrangement made to pay me any funds; I did not get any funds directly from him.....	886
I thought he would take my word, and if I should say some day to him: "I have expended money and I guess you better give me a check for about \$500." I thought he would take my word for it without any question; if he had not sent me a check I would not have complained.....	888
Wisconsin, have resided in State since 1855.....	888

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Johnson, Neils, deputy game warden during summer of 1908, testimony of.....	909
Meeting at Stone's house during session of joint legislative committee, he asked me to come there that evening at 9 or 10 o'clock, and I went, and there were several game wardens present—S. P. Richtman, from Fountain City; George Kingsley, from La Crosse; Frank Tuttle, from Oconomowoc; and Harry Bowman, from Genesee; J. E. Thomas, a member of the legislature at that time, was there.....	910, 911, 912
Stone, J. W., did not give me any money out of \$2,500, as he testified before joint legislative committee.....	910
Journals of the Senate of Wisconsin for January 26, and the joint convention from January until March 4, inclusive, to be incorporated into the record..	861, 2024

K.

Kates, C. W., superintendent of Escanaba & Lake Superior Railroad, Wells, Mich., testimony of.....	1861
Box, saw papers and everything taken out of, and put in gunny sacks	1861
Gunny sacks, taken to Wells and put in shed in rear of my house; think there were four; were well filled; remained in shed from some time in May, 1909, to October, 1911; noticed they were there in same place, one time when looking for some storm windows.....	1861, 1862, 1863
MacLean, went with, on trip from Escanaba to Marinette, some time in spring of 1909; only one that spoke to me about going; intended to drive down during day, but something interfered, so went down at night; was not requested to take papers to.....	1861, 1863
Papers, no one told me was important for them to be gotten to Wells quickly; knew something of nature of, after seeing them, but not before; learned from MacLean what were about; no one disturbed after being put in shed; no one knew they were there.....	1862
Russell, helped to remove papers from shed.....	1863
Stephenson, Senator, president of Escanaba & Lake Superior Railroad....	1861
Keller, Ulysses G., Baraboo, Wis., testimony of.....	1058
Blaine, John J., fourth specific charge by him is absolutely false.....	1059
Edmonds, after I had sent him list of names of Stephenson men, I got a letter or telephone message from him asking me to come to Milwaukee; I came down and he wanted to know about conditions in Sauk County; asked me if I could not go up and put out the literature and I told him I could; nothing was said about payment while I was there.....	1060
Edmonds, after my trip through Sauk County telephoned me to come back to Milwaukee; asked me how much trip had cost me; I had been out a week or nine days and told him probably around \$40 or \$50; asked me if I had got the check he sent me; I told him I had not received any; had not gone to Baraboo where my mail was; asked me to take charge of Sauk County campaign; told him I could not carry it for Stephenson but that I could bring him in second; told him cost would not exceed \$300; he told me to go ahead.....	1060, 1061
Edmonds, I wrote him myself and told him about conditions in Sauk County and that Stephenson literature was not up; gave him a list of Stephenson men and said that if he would send literature to them they would see it was put up; did not ask him to send me a dollar.....	1060
Expenses of, items given.....	1062
Game warden, I was one for a couple of months without any compensation in September and October, I think, 1908, after primary campaign; I might have been appointed sometime in August, but it had nothing to do with the campaign.....	1059
Keyes, ran across him in a hotel in Baraboo; introduced him to the railroad men; asked me if I was one of Stephenson's local managers; I told him I was not, but was a supporter; told him I had been over Sauk County on a business trip and that I knew there was very little work being done; asked him if he had any posters, that I was around and would like to put them up.....	1059
Money, I received \$50 first; and when the campaign was practically over I told Edmonds what I had expended and it amounted to \$150; I received \$200 in all.....	1061
Money, I spent none, and so far as I know persons I employed spent none for purpose of directly or indirectly bribing or corruptly influencing voters	1063

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Keller, Ulysses G., Baraboo, Wis., testimony of—Continued.	
Offices held, was clerk of the court for six years and deputy sheriff for two terms.....	1058
Posters, I had never heard from Edmonds or Sacket or anyone connected with campaign, but there had been a bunch of posters sent me; put them up through Baraboo.....	1059, 1060
Saloons, I did not spend a nickel of Stephenson's money in; if I spent any in a saloon I spent my own; none spent that way in Sauk County.....	1061
Sauk County, have resided there practically all of my life.....	1058
Sauk County, I took a pair of horses and drove right through the county, and I would get some fellow and give him 50 cents or a dollar to post and distribute literature and I would stay there until he had done it; I would talk in behalf of Stephenson and find out who was for him and who against; and I reported to Edmonds every night, giving the names of the people.....	1060
Stephenson, I have always been for him.....	1059
Towne, was not in my district; I think I did support him a little for the assembly; I was over in his district a day or two; it was only for personal reasons; he was not a Stephenson man; I did it of my own accord....	1061, 1062
Workers at polls, how employed, some of them got a box of cigars, and a whole lot of them did not get anything; they were personal friends of mine.....	1062
Kelly, John T., member of the bar, Milwaukee, Wis., testimony of.	2036
Edmonds, after election, when headquarters were closed in Plankinton House, met him day he was going away from Milwaukee to his home in Appleton; spoke to him about returning money he gave me; said to never mind; would talk about it later; never saw him after that.....	2037
Edmonds, at close of primary spoke to him; it seemed our arrangement concerning meetings had fallen through, and I felt I had not given value for the money received; he said, "That is all right; we shall need some more meetings during the campaign for the election".....	2037
Edmonds, mailed check for \$500 to him, think on 11th of February, 1909; came back to me; stated his accounts had been turned in and it was all right.....	2037
Edmonds, sent for by on 6th of August, 1908 who desired me to make some addresses for Stephenson in the campaign; willing to make few speeches without any compensation; said he would like to have all the time I could give; figured it out then, it was only about 15 or 18 days; gave me check for \$500 without stating anything concerning amount of compensation I was to have for these addresses.....	2036
Free Press, wrote a communication after Stephenson announced his candidacy in June, that was published in, on the 29th of June, 1908, announcing my support of Stephenson.....	2036
Meetings, during campaign for the election made three addresses; one at Chilton, one at Marshfield, and one at Marinette; paid my own expenses.	2037
Meetings, two held in the primary campaign at which I was present; one in West Allis; well attended, at which I made an address; another at North Milwaukee, poorly attended; meetings turned out to be a failure, and no more were held.....	2036
Milwaukee, resided in about 25 or 30 years.....	2036
Overbeck, during campaign for the election Edmonds told me to report to him, who would have charge of the speakers.....	2037
Kelpinski, Leo S., inspector of election in 1908, Milwaukee, Wis., testimony of.	1899
Boden, Frank H., told me that Senator Stephenson is too old to be in the Senate and that I should be with Cook.....	1902, 1903
Cook, Boden told me I should support him and I hired a man named Louis Walski who took care of the men in the fourteenth ward.....	1902, 1903
Cook, worked for, in the primary of 1908; think my former testimony in regard to his carrying the ward was incorrectly reported.....	1900, 1901, 1902
Inspector of election, acted as such in the primary election of 1908.....	1899
Money, received \$55 from Richard White to go out to a church picnic and spend it; went from bar to bar and to ice cream stands and told everybody to come on and have a drink on Senator Stephenson; this was about two weeks before the primary; distributed cards and literature....	1899, 1900, 1901, 1902, 1903
White, Richard, received \$55 from, to spend at church picnic....	1899, 1900, 1901

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Keyes, Jerry F., railway conductor, Madison, Wis., affidavit of	2005
Age, 48 years.....	2005
Campaign committee, received from, \$276.20, exhausted in compensation for services, amounting to \$200, and in payment of personal expenses, for transportation, hotel accommodations, and incidental expenses.....	2005
Campaign work done at request of campaign committee at Milwaukee; devoted about two months, prior to primary day, and traveled into various parts of State, circulating nomination papers and interviewing his friends in different cities and presenting to them the merits of Stephenson and reasons why he should be nominated; part of work was to put up lithographs, to circulate campaign material, cards, buttons, etc.; paid expenses when assistance was required.....	2005
Compensation by agreement was \$25 per week for services, and in addition was to receive legitimate traveling and hotel expenses, which were paid to him from time to time as work progressed.....	2005
Madison, resided in, past 48 years.....	2005
Money not disbursed for the purpose of corruptly or unlawfully influencing or bribing any person.....	2005
Statement of expenses, never called upon to furnish itemized.....	2005
Kingsley, G. L., manager of a branch of the John Glenn Brewing Co., Albert Lea, Minn., testimony of	571
Brown, Frank, paid him \$50 for a campaign fund for Gov. Davidson.....	578
Deputy game warden of Wisconsin from June, 1908, until January, 1909; paid per diem with expenses in addition; lived at La Crosse at the time.....	571, 589
False statement of Stone, did not intend to let it stand before committee; did not volunteer to go before committee; think I would have gone before committee voluntarily, if I had not been subpoenaed, because I would not want anyone to state that he gave me that money when he did not; can not remember about facts of agreement, in advance, that he might state it.....	581
"Frame up," did not disclose it to anyone before I went on witness stand; testimony I gave and acts I performed in connection with, all done in city of Madison.....	589, 590, 591
Legislative committee, I was anxious they should have the knowledge in relation to the frame up; did not tell because it had already been told; I was told by Senator Morris that they knew all about it; I did not tell him one way or the other what I knew about it.....	590, 591
Meeting at Mr. Stone's house, held somewhere around midnight, during investigation of joint legislative committee; attended by Mr. Stone, myself, Mr. Bowman, Mr. Richtman, Mr. Johnson, Mr. Tuttle, and Mr. Thomas, who was an assemblyman; held at Madison.....	573, 581
Perjury, I have never been prosecuted for conspiring to commit; do not know of anyone present during "frame up" who has been prosecuted for; do not know who was district attorney of county in January and February, 1909.....	591
Statement of Stone that he had paid me \$200 or \$250 was talked about; you could hear it on the streets everywhere; I was approached by friends who asked about it; I told them I did not get it; did not tell them anything about the agreement; do not remember anybody in particular to whom I talked.....	586, 587
Stephenson, not engaged to do political work for during time I was deputy game warden; did not receive any money to be spent in his behalf during that time; did not work for him for the Senate or for his nomination; did not assist in raising or contribute to a fund to promote his nomination.....	572, 578
Subpoena served upon me to appear before joint committee, do not remember whether I know about it before it was served; I think I had heard it was going to be issued a day or two before; do not remember from whom heard.....	586
Stone, did not tell him I would not stand for the arrangement because I do not think I fully realized at that time just what it meant, until after it was over with.....	588
Stone, J. W., State game warden, testimony of, before joint committee of legislature that I received a part of a fund of \$2,500 given him for political work for Stephenson is not true; he did not give or authorize anyone to give me money at any time for any purpose.....	572, 577, 578

Kingsley, G. L., manager of a branch of the John Glenn Brewing Co., Albert Lea, Minn., testimony of—Continued.

Talk at meeting at Mr. Stone's house was about the fact that he had to account for a sum of money and he wanted me to assume \$200 or \$250 and Mr. Johnson the same amount and Mr. Richtman about \$150; he wanted to testify that he had given it to us, but the understanding was that we would not be put on the stand to testify to that fact; I think he said he had to testify what he had done with this money; I think we agreed to do it with understanding we need not testify.....	573, 576, 578, 579, 580, 582, 583, 584, 585
Testimony given by me before legislative committee, as read, is true.....	592
Testimony of Stone before joint legislative committee, as read by chairman, not true in any part; I mean in regard to money; I did not notice about the circular letter; do not know anything about that.....	577, 585, 586
Testimony of Stone before the committee, did not pay any attention to it; saw in newspaper that he testified he gave me that money; I went before the committee when they subpoenaed me and testified that he did not; denounced it as untrue.....	580, 587, 589, 590
Time, between date of conference with Stone and date when I was called upon to testify before committee, can not tell how much intervened....	582
Klumb, H. A., reason for his not appearing as witness.....	1932, 1933, 1963
Knell, William R., manager of Stephenson primary campaign in Milwaukee County in 1908, testimony of.....	1757, 1962
Account, all I got was a check book; do not know how amounts were deposited to my credit; did not get a pass book; understand they opened it, but I did not get it; believe first credit was \$500, just to pay rent and for a few little printing bills.....	1780
Account, I kept on lead-pencil memorandum slips; after my report was made to Stephenson and O. K'd by his managers, paying me the difference between what I had been allowed and what I had spent, I destroyed the slips, because I thought I was through with the matter.....	1759
Age, just passed 51.....	1784
Bills, receipted ones filed with report to Sacket; believe joint committee had them; those found in box produced are the ones; think they are all there; pertain to printing and some to automobile hire and livery; think they cover all items on first sheet of statement I gave. 1762, 1763, 1777, 1782,	1783
Campaigns, engaged in work of carrying on, since 1888.....	1787
Cleary, Morris, paid him and another man by the name of Klumb together \$450 in sixteenth ward and adjoining railroad sections for organizing, by hiring precinct men and primary day workers, distributing literature, and in a general way enhancing interests of Stephenson; did not have an accounting from them; they estimated what it would take before I gave them the money.....	1962, 1963, 1964
Compensation, received none for services in campaign.....	1784
Delegate from fifth congressional district to last Republican national convention.....	1787
Disbursements, total, \$12,103.21; credited back \$216.60; leaving actual amount of disbursements, \$11,886.61.....	1765
Edmonds: had nothing to do with in regard to campaign except social calls.	1757
Election inspectors; safest record of their appointment is return to county clerk, in his office; have to sign their names there night of primary, as I remember; how appointed.....	1761, 1762
"Expense on account of organizing," how incurred; was the daily expense; when I would invite parties out for dinner or luncheon, that was included there; were all expenditures of less than \$5 and would not have to be accounted for under law; made entry of at end of every day; should not estimate money spent for drink and cigars at over 10 per cent of amounts thus classed.....	1763, 1764
Former testimony, by my statement that I could have accomplished as much if I hadn't put the \$11,000 into Milwaukee, if the other candidates hadn't put any in, I meant I had to meet the fight of other candidates..	1774
Hamilton, Archie, work that he did was in twelfth ward, and I had no knowledge that he was an election inspector.....	1761, 1762
Kelpinski, Leo F., did not know he was an election inspector; he did not say so to me; brought to me as man who would do efficient work among Polish people; when I heard he had been accepting compensation from Cook people, severed connection with him immediately; that was probably four or five weeks before the primary.....	1761, 1762, 1786

Knell, William R., manager of Stephenson primary campaign in Milwaukee County in 1908, testimony of—Continued.

Klumb, paid him, together with Cleary, \$450 in sixteenth ward and adjoining railroad sections for organizing.....	1962, 1963, 1964
Men employed, how paid, did not ask any of them for statement of expenditures; about 75 per cent of were personal followers; employed none who I did not feel satisfied was a Stephenson supporter; think I employed some who were indifferent; instructions to; kept close tab on; never heard of their using money corruptly.....	1766, 1778, 1780, 1781, 1787, 1964
Men employed, instructed them to "never mention opponents, because every time you do you advertise them"	1774
Milwaukee County, organized as I never organized it before; did not overlook any wire that I could get a hold of and pull.....	1765
Milwaukee County campaign, had complete charge of management of....	1757
Money, all paid out in primary election; after that was over I was through.	1765
Money, none spent in county of Milwaukee for purpose of bribing or corrupting any elector to vote for Stephenson.....	1767, 1787
Money, received total of \$11,886.61 from Stephenson's representatives in that campaign; disbursements in excess of amount received, \$11,600, were \$286.61; got a check for that some time along in October, I think it was, from Puelicher.....	1758, 1765
Novotny, Tom, item of \$150 paid to, as ward manager in eighth ward; did not ask him for a statement of expenditure.....	1765, 1766
O'Connor, William, gave him \$500 to look after fourth ward, in particular the colored vote and the railroad vote adjoining in eighth ward; think greater part of money was spent for that purpose; suppose he paid himself out of it.....	1963
Pay roll, started with less than \$100 a week and ran up in the last week, I think, to about \$170; had some 10 or 12 people working there; names of some given; do not remember names of stenographers; all got from \$6 to \$20 a week.....	1764, 1785, 1786
Postage stamps, bought in post office in this city.....	1763
Public positions held in Milwaukee, in detail.....	1784
Puelicher, by arrangement with him had charge of campaign; he was the money end of it.....	1757, 1758
Puelicher, conversation with, when he asked me to take charge of campaign; I said: "From experience I have had it may cost anywhere from \$7,500 to \$15,000;" he said: "\$15,000 is a good deal of money; I wish you would run it for less than that;" I said: "I will if I can;" he said: "We will agree on an account for \$10,000, and if that should be exhausted before the campaign is over, come over and see me; I will open an account for you".....	1779, 1780
Rosenhein, A., saloon keeper, paid \$345 to, for ward work; covered seven or eight precincts.....	1766
Sacket, had nothing to do with my campaign.....	1758
Saloon campaign, never made one and did not permit it in this instance, explained.....	1779
Saloon keepers hired because they were men who had been active in city politics and had influence.....	1766, 1767
Sarrass, Greek manager, why given more than Hebrew manager.....	1765, 1786
Sheriff of Milwaukee County during 1908 campaign; how I handled campaign with reference to office of sheriff; received salary of \$5,000 a year as; had about 40 deputies who were appointees of mine; none of them did any active work in interest of Stephenson.....	1780, 1784, 1785
Statement of Milwaukee County expenses in Stephenson primary campaign, 1908; with explanation concerning ward workers attached, giving names, addresses, occupation, and amounts of money paid to each; also number of voting precincts in Milwaukee County.....	1767-1774
Stephenson, did not know him in campaign at all; had no dealings with him; was directly representing him.....	1758
Stephenson, it was necessary to spend \$11,000 to get up the organization I got up, and get as many votes as we possibly could; judging from vote he got, I should say the money did not have a great deal of influence; I expected three times the vote he got; got about one-fifth of vote of Milwaukee County; cost him \$2 a vote.....	1775, 1776, 1777

Knell, William R., manager of Stephenson primary campaign in Milwaukee County in 1908, testimony of—Continued.

Stephenson, was my personal choice for Senator before I saw Puelicher; felt like a lot of others felt, that it was a base ingratitude when he wanted something for himself he should be denied it, when he had contributed so liberally to put others in possession of what they wanted; was a half-breed myself; do not take orders; that is main reason why I supported him; met him a number of times and every day at Chicago convention in 1908, to which he was delegate at large from Wisconsin.....	1781
Ward workers, item of \$5,833 for, in original statement to Stephenson, legislative committee wanted itemized; asked them for time to sit down and itemize the amount, and did so by sitting down and taking ward after ward and consulting with the manager I had in that ward; why marked "Knell" on back in lead pencil; is attached to account of expenditures.....	1760, 1765, 1786, 1787
Wauwatosa, town of, paid farmers \$10 and \$15 apiece there to furnish conveyances primary day and get farmers to booths.....	1767
Wilcox, Arthur, says he got only \$50; I have got him down for \$100; I may be mistaken on amount; take his word for it; was introduced to me by chairman of third ward; had no idea he was an election inspector and do not think he was; tells me he was not.....	1760, 1761, 1762
Wilson Detective Agency, had them watching mails because we had 80,000 or 90,000 letters with the stamps on them, and I thought it might be a good idea to see that they got into the post office and were not destroyed before they got there.....	1765
Witness before joint committee, but not before Wisconsin senate committee.	1758
Workers, all wanted to be paid for the work they did, not for their votes; would say "Why should we work for nothing for a man reported to be worth \$30,000,000?" had about 400 in county; do not know whether they all voted for Stephenson; heard some reports that men who got money from me did not vote for Stephenson.....	1776
Kolb, Gustave C., Hillsboro, Wis., testimony of.....	970
Account, I did not keep one.....	972
Business, I was in saloon business at Hillsboro when I was traveling around as a game warden; did not spend any of the money in my own saloon....	971
Custom for me to treat whenever I was out campaigning or otherwise; usual and ordinary custom in that part of the country.....	973
Money, I did not use any of it for purpose of directly or indirectly bribing or corruptly influencing electors; did not pay any to other people except for treats.....	974
Money spent for cigars and treats; whenever I would drop into a drug store I would buy cigars, and whenever I would drop into a saloon I would buy beer, for instance; my testimony given on former examination that I spent it with the boys around the saloons is correct; spent in towns through that territory; all spent that way.....	970, 971, 972, 973
Stephenson, when I was spending his money with the boys, I simply said "Have a drink on Mr. Stephenson"; would pay for it out of the \$50; I did not contribute toward any funds for him.....	972
Stone, J. W., paid me \$50 about three or four weeks before the primary when I was working as deputy game warden to spend in interests of Stephenson's campaign.....	970

L.

Lambeck, Arthur H., connected with Stephenson headquarters in 1908, testimony of.....	1822, 1876
Box, in which papers were put; about 2 feet high and 3 or 4 feet long; do not know who brought it in office; was in general charge of packing, helped by office boy; shipped by express to Hon. I. Stephenson, Marinette, Wis.....	1822, 1823, 1824, 1826, 1827, 1830
Box, saw again in warehouse in Marinette; did not see contents; do not know whether it had been opened.....	1825, 1826
Edmunds, of Stephenson committee, occupied offices at headquarters.....	1823
Files, letter, in offices, large case used by all; about half dozen regular letter books; did not take any letters from; did not see anyone take out certain letters for Mr. Edmunds.....	1827, 1830

Lambeck, Arthur H., connected with Stephenson headquarters in 1908, testimony of—Continued.

McMahon, was in and out of office; do not remember of helping to pack box..	1827
Materials, put in box; from outer and inner offices; anything that could be used; letter scale; wire baskets; do not remember any loose correspondence going in.....	1823, 1829, 1830
Memoranda, containing data pertaining to campaign or statements of accounts of expenditures or disbursements, do not remember of putting any in box; unless was in letter files or in some package thrown in..	1826, 1827
Office, had desk in outer, at headquarters; would be in, most of day.....	1832, 1876, 1877
Papers, around headquarters, after primaries; gathered up and sold as junk; did not destroy or sell any correspondence, records, cards, or see any destroyed or hear any instructions about destroying.....	1831, 1832
Plankinton House, headquarters of State central committee; two cases containing cards sent from Marinette here.....	1826, 1828
Puls, in outer office, where I had my desk.....	1832
Sacket, occupied offices at headquarters; all letter files kept in his office; frequently in and out during day; had nothing to do with expense memoranda he kept; worked in office with, not more than one hour a day; could have destroyed cards without my knowledge.....	1823, 1832, 1876, 1877
Stephenson, Senator, telephone conversation with, about sending lists of workers, poll lists, and county and city directories to.....	1828, 1829
Stephenson campaign committee, about headquarters of; assisted in gathering up papers, letters, documents, and placing them in box, without anyone's instructions to do so the week after primaries.....	1822, 1824, 1826
Legislature of Wisconsin:	
Findings of, not in evidence; are the status of an indictment.....	296, 2025
Law requiring each house to keep a journal of proceedings.....	863
Report submitted to, on March 18, came with papers from governor of Wisconsin to the United States Senate.....	322, 323
Resolution No. 58, relating to investigation of the primary and general election of 1908 and the election of United States Senator in 1909.....	2, 3
Letters transmitting money to workers, etc.....	2100, 2101
Letters turned over to the committee by W. E. Black.....	2098, 2099, 2100
Leuch, Peter F., member of the Legislature of Wisconsin in 1909, Milwaukee, Wis., testimony of.....	
Business, attorney; admitted to the bar in 1908.....	1417, 1423, 1424
Candidates, can not give the names of all I voted for; perhaps 8 or 10; voted for McGovern, Scott, Estabrook, Hoffman, Stephenson, and Ingram.....	1431, 1432
Davies, David, asked me to vote for Stephenson.....	1419
Davies, on the 1st of March, 1909, when the majority of the Republican members and Democratic members stayed out of the joint committee, about 10 o'clock, Mr. Davies asked me to come out of the chamber; and he then told me that there was a plan on foot to stay out of the joint convention.....	1417, 1418, 1422, 1423, 1425, 1426, 1427, 1430, 1431, 1439, 1440
Davies said, "I have authority to tell you that you can have anything you want if you will stay in there and vote. You don't have to vote for Mr. Stephenson, but just simply stay in there and vote." I told him that was equivalent to voting for Stephenson, and I would not do that; voted for a friend of mine, Mr. Hoffman.....	1418
Davies, testimony of, to the effect that he had no conversation with me with reference to my remaining in the session or leaving the session, is not true.....	1421
Do not know, except from members and newspapers, about the occurrence of three Democratic members of the legislature absenting themselves at the time of the election of Senator Stephenson.....	1418, 1419
Educated in the Milwaukee public schools, the high school, and in Marquette College; went to law school.....	1425
Ingram, do not know that he was leading a filibuster against the election of Senator Stephenson; never talked to me about obstructive tactics to prevent election of Senator Stephenson.....	1427, 1428
Klecza, Senator, told him about my conversation with Davies, probably the next day, or the day after that; was the first man I stated it to.....	1440

Leuch, Peter F., member of the Legislature of Wisconsin in 1909, Milwaukee, Wis., testimony of—Continued.	
Klecicka, walking with me when I met Davies; heard Davies say to me, "I want to talk to you a minute".....	1428, 1429
Stephenson, was not engaged in a filibuster to prevent the election of; my desire was to prevent his election until the committee authorized to investigate the charges preferred against him could report.....	1419, 1420, 1421, 1422, 1423, 1424
Stephenson, voted for, on third or fourth ballot in joint convention, after Blaine charges had been preferred; reasons.....	1432-1439
Zimmerman, a member of the house, told him about my conversation with Davies.....	1440
Lewis, Hugh, messenger in House of Representatives, Washington, D. C.; resides Madison, Wis.; testimony of.....	912
Ames, I never paid him any money.....	914
Columbia and Dodge Counties, my first work was to get men to circulate nomination papers and find out who were Stephenson men, the prominent men there, and advise with them how to get up the papers; I made four trips to two counties at different times and made a week's travel with an automobile and took Morgan with me part of the time, and then my back gave way and I let Ames take the auto for the balance of the time I had agreed to take it.....	914, 915
Dane County, Sacket and Puelicher wanted me to take hold of it; my health was not good and I said I could not assume the responsibility; they asked me if I could name anybody; I said: "I will go back home and come back here after I consult with Stephenson men in Madison," and the result was I recommended Mr. Morgan and Mr. Ames, and they were selected to take charge of Dane County.....	914
Employed men, only on election day; at 12 precincts in city of Madison; to be at polls, pass sample ballots, solicit votes for Stephenson, and bring voters in; probably paid them \$130; paid some men \$5, none less than that, and some \$10; paid one man more; generally got them to act for both Stephenson and Russell; expense equalized between the two.	916, 917, 918
Expenses, personal, I made six trips to Milwaukee at invitation of committee; \$75 or \$80 would cover expenses for railroad fare, hotel bills, and such things.....	914, 915, 916
Johnson, mechanic at Madison, I had to pay him more than \$10 to work at polls election day, because he is a good worker.....	917
Literature, I had a pretty good list from previous campaigns, and I bought some stamps and mailed matter I had brought home with me; did not spend more than \$25 for stamps; they sent me by express a lot of literature, pictures, streamers, buttons, etc., and when we were out in automobile in a little place, I could not mail them myself, and I had to pay a couple of dollars or so for that.....	916
Madison, resident of 40 years, when not at Washington performing duties; family lives there.....	913
Money, received from Stephenson fund, not spent in a saloon campaign; did not pay one nickel to any person to secure his vote; never paid any to any other person to be used by him for the purchase or corruption of votes.....	915
Money, received none for my own services; received \$360—first time \$100, next time \$60, and the next time, I think, \$200.....	913, 914
Palmyra, my best recollection is I paid \$5 for a hall, but the speaker did not speak because the opposition stood at the door and said there was not going to be any meeting.....	916
Puelicher, I am sure I got all the money from him.....	914
Russell, was an old comrade and a candidate for Congress; I had charge of his interests as far as Madison and Dane County were concerned; we hired men jointly that would take an interest in Russell and Stephenson campaign; I was paying his bills for him with money separate from Stephenson bills—money of which I kept an account—and looking after his interests; I had more than \$150 to use for him.....	915, 917, 918
Sacket, bought me a satchel, which I took from headquarters and which he paid for out of the funds, to take literature home with me.....	916
Soldier during War of Rebellion in Second Wisconsin Infantry; served until I lost my arm in that capacity; continued in service until end of war.....	913

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Lewis, Hugh , messenger in House of Representatives, Washington, D. C., resides Madison, Wis, testimony of—Continued.	
Stephenson campaign, took part in in 1908.....	913
Stoughton, paid for a meeting there; paid \$31.55 for a hall and band and the bill posting; in addition there was expense of speaker	916
Littlefield, E. C. , argument before full committee.....	2166
Blaine charges made after election, January 26, of Senator Stephenson...	8
Certificate under which Stephenson took his seat in the United States Senate not based on proceedings of two houses separately; based upon what was alleged to be a subsequent election on 4th of March, 1909....	9
Counsel for Senator Stephenson, statement of.....	6
Election, result not declared by presiding officer of joint session January 29, 1909.....	8
Governor of State of Wisconsin, certified fact of vote but not of election...	9
Investigation of election not authorized by Senate resolution to go beyond election by legislature; unconstitutional to investigate primary election; ruled upon.....	7, 8,
9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 32, 33, 34, 35, 36	
Nomination and election, Wisconsin statutes recognize differentiation between.....	15
Stephenson, elected by the Wisconsin Legislature to be a Senator of the United States January 26, 1909; objects to introduction of testimony in relation to, subsequent to January 26, 1909.....	8, 44
Lyons, E. H. , member of Illinois State Senate, Fond du Lac, Wis., testimony of.....	1387
Direct primary, not in favor of.....	1389
First elected in 1908; first time I served as senator; at present senator; represent eighteenth senatorial district.....	1387, 1388
Haight, did not receive \$100 from, during time I was in legislature.....	1388
Stephenson, campaigned and voted for.....	1389
Stephenson, did not receive money from managers of, or any one representing him.....	1388
Thayer, L. W., did receive \$100 from, during campaign; handed it to me in person; was a check issued by State central committee; do not remember who signed check; received it about two weeks before election; think I made statement on floor of senate that I received \$100 "to be good"; Zimmerman testified that such statement was made; money was for own personal use.....	1388, 1389
Thayer, want to correct senatorial committee's report wherein I am quoted as saying Thayer opposed me.....	1389, 1390
Thayer, said committee could afford to give me \$100. I said "I do not want your money." Was not paid \$100 for "being good".....	1390
Vote of, no money ever paid me had any effect on.....	1390

M.

MacLean, R. E. , lumberman, Wells, Mich., testimony of.....	1848
Box, first knew of, in spring of 1909, when went to Marinette to get; found too cumbersome, so put contents in gunny sacks and took away in automobile to Wells; did not examine contents at that time; saw there were some letter cases and papers; size of a shoe box. 1848, 1849, 1850, 1854, 1855, 1857	
Box, when found in warehouse, was nailed up; went after at night, simply to save time.....	1855, 1856
Files, took letters out of, and left on shelf; later on put letters back in and put them where I had found them on shelf in outer office.....	1851, 1854
Gunny sacks, contained lot of papers, letter files, cards, etc.; put in loft of Mr. Kates's shed, same night we got them; knew contents were documents of some kind, relating to campaign, but did not know value of.....	1849,
1851, 1855, 1856, 1857	
Hornibrook, superintendent of the Ludington Co., at Marinette; showed me box to take; was in charge of warehouse that night, was only person I saw there; told had returned suit case of papers to Stephenson's office..	1849,
1850, 1854	
Kates, superintendent of Escanaba & Lake Superior Railroad; connected with Senator Stephenson in business way; my next-door neighbor; asked to take me down to Marinette in automobile, to save time.....	1857

MacLean, R. E., lumberman, Wells, Mich., testimony of—Continued.	
Letters and letter files from Stephenson's office put in box at warehouse, I think, could not swear to.....	1854, 1855
Russell, phoned me again to come down to Marinette for box of papers; to meet him at Menominee; had packages for me to bring home; met at hotel about 11 o'clock; wanted me to go over to Marinette next morning and get papers and take to Wells; said someone would be at office to give me papers; followed instructions of.....	1848, 1851, 1852, 1856, 1857
Russell, showed where letters were in suit case; did not see what he did with reference to examining, sorting, or separating; did not give any separate bundle of papers.....	1853
Stephenson, Senator, am representative for in business at this place; president of Escanaba & Lake Superior Railroad.....	1848, 1857
Stringham, Miss, did not see when went for box; at office when went for papers, showed me which to take; was away on vacation when I took papers back again.....	1850, 1854
Suit case, brought full of letters and papers from Marinette; could not bring files in; belonged to me; this episode came first; took home and put in window seat; left there until took back again to Stephenson's office; papers put in just as they came out of files.....	1851, 1852, 1853, 1854
Time, elapsed between getting suit case of letters and contents of box, about a month; could not fix date positively, some time in spring of 1909.....	1851, 1852, 1855
Transportation, between Wells and Marinette, medium of, good State road, about 60 miles; direct railroad connecting; by water but in roundabout way.....	1849, 1850
Trunk, have not seen contents of; did not help to pack.....	1855
McCordic, as to his appearing before committee.....	1993, 1994
McCordic, telegram received by committee saying that in interview about conversation in his office with Cook and Wisconsin men he made no statement indicating a personal knowledge on part of Cook of any of matters discussed; his (Cook's) entire statement was a hearsay one and so understood by all present.....	1941
McGill, Leroy E., lawyer, Ladysmith, Wis., testimony of.....	1274
Account, did not render one; was not requested to at any time.....	1278
Arrowsmith, Fred, said he had expended for teams and day's work something like \$20, as I remember it; paid him after the primary was over by check.....	1275
Dresser, L. B., received \$25 from.....	1274
Edmonds, received \$200 from him at one time and \$250 at another time, I believe.....	1274
Fee, as an attorney, retained \$175.....	1276
Memorandum of disbursements, did not keep one, although at the close I could have given a pretty close account.....	1277
Money, all except the \$175 retained spent for purposes of organization and legitimately getting out vote; none spent by me or as far as I know by those to whom I intrusted it, for purpose of bribing or corruptly influencing electors.....	1277
Rusk County, procured poll list of; employed some one to do it; do not remember name of; recollect I paid \$5 to; traveled through county and made a campaign for Stephenson just as I would for myself; expense items incurred; employed workers at polls; estimate \$5 as expense per precinct.....	1274, 1275, 1276, 1277
Stephenson campaign of 1908, received \$475 to be used in; used partly for expenditures and partly for services; devoted nearly entire month of August to it.....	1274, 1277
Stephenson nomination papers, gave some directions at time they were being circulated and from that time on.....	1275, 1276
McGillivray, James J., mayor of Black River Falls, Wis., testimony of.....	1249
Account, did not render one to committee; they did not ask for one.....	1253
Black River Falls, recently destroyed by flood; my own place of business wrecked.....	1254
Business, I am a lumber manufacturer.....	1250

McGillivray, James J., mayor of Black River Falls, Wis., testimony of—Contd.	
Campaign, as carried on by me, took teams and visited farmers in country and talked for Stephenson; carried buttons, banners, and literature with me and enlisted other men to work when I found they were willing to support him; made speeches.....	1250, 1251
Edmonds, called me to Milwaukee, I think, and something happened so he had to go to Appleton and I talked to Puelicher and some other gentlemen.	1253
Edmonds, sent me \$600 at one time in check, accompanied by letter; have not the letter; it said to use money as I saw fit in Jackson County, as I remember.....	1249, 1250
Election law of Wisconsin, I do not think it requires in detail statement of persons to whom campaign money is paid, purpose for which paid, and amount paid.....	1251
Jackson County Bank, Black River Falls, deposited money from Edmonds in my general account there.....	1250
Memorandum of money spent; every night when I came in, I would put down the money spent; have no names and dates attached; items of given; total of \$599.65; that leaves 35 cents, which I returned to Stephenson by check or draft, to make up \$600.....	1251, 1252, 1253
Money, not paid by me, or as far as I know by men to whom I paid it, for bribing or corruptly influencing voters.....	1254
Offices held, member of legislature 4 years and member of senate 12 years; have not been a member of either house since 1905.....	1249
Poll workers, employed them and hired some to get their teams and take men to polls; did not pay any to go to polls and vote.....	1253
Stephenson, supported him in primary contest of 1908.....	1249
Testimony before joint legislative committee, mistake made in small amounts given men; I called up men and asked them if amounts given were correct; found a few mistakes and immediately came down before senate end of committee and corrected it.....	1252, 1253
Treating, I did not buy liquor or beer, but we did not want to feel we were too big to treat a man to a cigar or meal; treated thrashing crews to cigars and pie.....	1252
McMahon, Edward M., general agent for the Northwestern Mutual Life Insurance Co., Madison, Wis., testimony of.....	1023, 1795
Account, I filed an account of everything; kept an itemized account of my expenses and turned them over to office at end of campaign.....	1026
Age, 27.....	1023, 1024
Box, containing campaign correspondence and records, I do not know what was done with it; last time I saw it was in vault at headquarters in Wells Building on September 5, I believe; I do not remember whether it was nailed up; I was asked about it by legislative committee; I have not heard what became of contents.....	1045, 1046, 1047, 1796, 1797, 1799, 1802, 1803, 1804
Cigars, I spent some money for; probably close to \$20.....	1026, 1027
Correspondence, I was present at headquarters when it was disposed of; it was classified and boxed up; by office boys and myself; Edmonds and Sacket were in and out while we were doing it; Lambeck and I were asked to classify it; when campaign closed there was a raft of material, poll lists, nomination papers, and correspondence and a lot that was simply wastebasket stuff; Edmonds retained his personal correspondence; it did not go into box; campaign letters and carbon replies put in box.....	1042, 1043, 1044, 1045, 1046, 1047, 1795, 1796, 1800, 1801, 1802
Correspondence in relation to State depository for Stevens's bank with headquarters, I do not know what became of it.....	1042
Dart, George, Montello, Marquette County, I made arrangement with him.	1050
Edmonds, E. A.: Kept a small file, a box of cards; contained a list of names of managers; think they were put in the large box with campaign records; some of papers on his desk retained by him and some put in this box; do not know whether his memoranda of expenses was put into box....	1054, 1056, 1800, 1801
Reported to him I thought I had convinced Stevens he should support Stephenson.....	1037

McMahon, Edward M., general agent for the Northwestern Mutual Life Insurance Co., Madison, Wis., testimony of—Continued.

Edmonds, E. A.—Continued.

Started to pack correspondence in box by his direction; told me to separate his own private correspondence of any kind that he conducted with his friends throughout the State; he said "Take out the correspondence with these certain men;" I do not remember the names of the men; told Lambeck and me box was to be shipped to Marinette according to instructions he received from Stephenson.. 1045, 1046, 1797, 1798, 1799

Think he took up matter of State depository for Stevens with James Frear, secretary of State; I do not remember his having telephoned Frear from headquarters; conversation took four or five minutes; matter talked over generally; I remember only one incident of telephoning, but I have a faint recollection of some correspondence between them; saw letters; do not know where they are..... 1041, 1042

Told me he had taken up the matter of making Stevens's bank a State depository with Frear and Gilbert and others who had giving out of favor; I do not think I reported my conversation with Stevens about State depository when I came to headquarters first time after having talk; I do not think he actually did anything about it until about the middle of the campaign, when he mentioned it to me..... 1028, 1030, 1039

Expenses, I think I got less than \$300 for traveling expenses; had about \$20 left..... 1025, 1026

Financial connection with campaign, received about \$200 expense money—four items of \$50 each—and \$300 for compensation; at end of campaign there was a small amount of expense money that I had not used out of the \$50 advanced; I took it up with Sacket; it was less than \$10 or \$15; whether I retained that in addition to \$300 I am not sure..... 1053

Frear, James, secretary of State, I understood he was opposed to Stephenson's nomination; was a La Follette man..... 1042, 1052

Headquarters, understanding was I was to work there, when first engaged; I was there doing general office work all the time I was not out in the State; I was a little over a month traveling and a month at headquarters; first month I was traveling more than at headquarters..... 1024, 1037, 1047

James, Norman, I made arrangement with him to look after work of getting our votes and crystallizing sentiment in Richland County; he was not to receive compensation for his time..... 1049, 1050

Lambeck, Arthur, lived in Milwaukee at that time; do not know where he is now; had been assistant private secretary to Stephenson, as I understand it; was asked, with me, to classify correspondence. 1043, 1044, 1796, 1800

Lancaster, I think I was there either two or three times during the campaign; it was all during the first month of the campaign; I do not know whether it was in July; it might have gone into August..... 1035

Larson, C. O., got him to take charge at Port Washington; did not pay him any money; agreed with him that he was to make arrangements at headquarters..... 1025, 1049

Larson, Dodgeville, Iowa County, I made arrangement with him..... 1049

Managers employed, my arrangements with, we figured out what it would cost to get nomination papers circulated, to advertise Stephenson throughout the vicinity and to get the vote out primary day; I talked matter of compensation over with them, got their idea of it, and reported it to Edmonds; average paid to \$100 a month in addition to expense money for organizing; we figured on \$5 a team for carrying; all arrangements with closed by Edmonds..... 1047, 1048, 1049, 1050, 1051

Money, not spent by me, or as far as I know, by men with whom I made arrangements, for purpose of bribing or corruptly influencing voters.. 1053

Port Washington, Ozaukee County, went there to find out whether there was any Stephenson sentiment; interviewed several leaders; got Mr. Larson to take charge..... 1025

Puelicher, I made preliminary arrangement with him; I happened to be the Marshall & Illsley Bank and he asked me what I was to do in the summer time; told me he thought he would want to see me again. When he did after a conversation he sent me to Sacket..... 1023, 1024, 1052

Puelicher, I received first \$50 from him, I believe; it was for expenses on a trip out into the State..... 1024

McMahon, Edward M., general agent for the Northwestern Mutual Life Insurance Co., Madison, Wis, testimony of—Continued.

Sacket, I do not know anything about cards on which he kept accounts; never had occasion to overlook details of work he was doing; knew nothing about his desk or records.....	1053, 1054, 1055, 1056, 1057, 1058, 1799
Sacket, I turned over my account books to him; spoke to him about them, and he was of the opinion they had been turned over to the Wisconsin legislative committee.....	1026, 1027
Salary, I think I was employed two months at \$150 a month; did not receive it until after the primary, September 5; I went to work in office at \$75 a month; went out through State after that and my salary was increased to amount that made \$300 for two months' work.....	1026, 1027, 1036, 1053
State depositories, I knew the method of having them granted; that there was a commission for that purpose; never discussed law in regard to, with Edmonds, Puelicher, or Sacket.....	1030, 1031, 1038
Stephenson, I do not remember to have ever reported to him or anyone representing him, that I had a talk with Stevens about getting him the State deposits, before he agreed to support Stephenson.....	1029
Stephenson campaign, connected with in summer of 1908.....	1023
Stevens, L. H.:	

After he commenced working for Stephenson, I ran across him on a train down in that section of the State when he was doing his work.. 1037

At time of first conversation with, I understood he had been a strong "half-breed"; that was early in the campaign and at that time a "half-breed" to my mind was a Stephenson man; said then he had not taken any stand; when I left there I did not know whether he would associate himself with Stephenson campaign or not; I do not believe he hesitated very long as to stand he would take; I was of the opinion he thought Stephenson should be the choice..... 1031, 1032, 1034, 1035, 1051, 1052

Banker, first conversation with, at Lancaster; I knew his family well; went to his bank and we talked about general business conditions and I suggested with no idea of his connecting it with Stephenson campaign, that he try to secure a State depository; I said when I went back to Milwaukee I would try to procure the influence of Edmonds; but it was not his influence as chairman of Stephenson committee; can not fix date of conversation..... 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1038

I do not remember the exact amount of money placed in his hands by the campaign committee..... 1029, 1048, 1049

Letter from, to headquarters asked what progress Edmonds was making along line of securing State depository; that was after he had agreed to take up Stephenson interests; I think Edmonds at that time took up the matter and advised him he was doing what he could; through fact that currency was short he had to stay in bank instead of getting out over the territory and that was chief thing he was hammering on and taking up with Edmonds; amount of deposit never mentioned..... 1039, 1040

Second conversation with, I went back a week or 10 days after first visit; I think he told me then for first time, that he would make an arrangement to support Stephenson; told him I had mentioned matter of securing him a State deposit to Edmonds; told him that with the friends that Edmonds had and the friends of the people who were interested in Stephenson's campaign, they ought to be able to get it for him..... 1034, 1035, 1036, 1037

Stevens's bank, I did not know it had been made a State depository until I happened to see it in the testimony that the committee forwarded to the United States Senate with their report..... 1038, 1039

University of Wisconsin, I was finishing my course there in spring of 1908; attended law school there in fall of 1908..... 1023

Voght, Ed., Sheboygan, arranged with him to work for Stephenson..... 1049

Vote, my first one, I think, was in local spring election of 1908..... 1024

Wiseman, Arthur J., Manitowoc, arranged with him to work for Stephenson..... 1049

Marsh, Spencer M., chairman of both State senate investigating committee and joint investigating committee at time of investigation of election of Senator Stephenson, testimony of.....	1101
Advertising, I would not think insertions in interest of Stephenson paid for at regular advertising rates would be bribery.....	1106
Blaine, John J., I was present as a member of joint committee when he filed the specific charges against Stephenson.....	1103
Bribery and corruption, I think it was a corrupt expenditure to place a hundred thousand dollars in the hands of managers and to permit them to distribute it without any instruction as to how it was to be spent and as to keeping of accounts; the fact that numerous witnesses came upon the stand who had spent hundreds of dollars in campaign and were unable to tell us to whom they paid that money indicated they did not want to tell.....	1106, 1107, 1128
Campaign of 1908, took an active part in; made a very few campaign speeches.....	1101
Dee, George, Chippewa Falls, my recollection is that \$375 was paid him; we examined him a long while and did not find out for what purpose; but before he received the money he was opposing Stephenson and after he received it he was favoring him; think that was shown by copies of editorials he published; his testimony was that it was for advertising purposes; he gave us his rates and, figuring liberally, at his regular rates I think there was about \$60 worth done; think Ring paid him part of it.....	1104, 1105, 1106, 1124, 1125, 1126
Election of Stephenson by legislature at Madison, I was present when vote was taken; know Ramsey and other members were absent; do not know why they were except what I learned from testimony; there would have been no election if they had been present and had voted for their party candidate; they were Democrats.....	1119
Election of United States Senator by legislature in 1909, I did not vote for anybody in ballot in senate; voted for various people in the joint assembly in March; can not recollect how vote stood in separate session of senate.....	1101, 1102
Failure to file an expense account as required by statute, we considered that as one little circumstance indicating that there was not a frank and open attitude on the part of candidate and his managers so that the people might know how the money was spent; did not consider it one of strong reasons why election was invalid.....	1106
First specific charge, my opinion is and was that it was sustained as to manner in which money was spent; there was no finding that he spent \$250,000.....	1104, 1127
French, of Lake Geneva, I think was paid \$800; I think was supporter of Cook earlier in campaign.....	1118
Hatton, supported him at the primary.....	1102
Investigation, efforts of Stephenson and his managers and newspaper, the Free Press, to prevent, taken into consideration.....	1128
Lancaster Bank, illustrating testimony relating to promises, we took into consideration.....	1128
McGillivray, ex-Senator, committee took into consideration his testimony with regard to employing men to go to the polls.....	1118
Member of State senate in 1909; elected in 1906.....	1101
Milwaukee expenditures, recollect it was something like \$11,000; we challenged all of it so far as it was placed in the hands of the manager without any directions as to how it was to be expended and because of the manner in which it was expended, to which Knell testified, as to employment of men to go to polls and work.....	1118
Money, I considered it spent corruptly when it resulted in influencing voters so that they voted differently from the way they would have voted if the money had not been spent.....	1104
Report of senate committee, comprised of three members, not completed until January, 1911; my term of office expired before it was adopted, but not before it was made; I think it was made to the governor and to the legislature; understood it was the basis of the governor's communication to the United States Senate.....	1117, 1122

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Marsh, Spencer M., chairman of both State senate investigating committee and joint investigating committee at time of investigation of election of Senator Stephenson, testimony of—Continued.	
Report of senate committee, written by Senators Morris, Husting, and myself; we divided up the work and each of us wrote some of it; I could not tell what part I wrote; do not remember what parts were allotted to Morris or Husting; last saw it in capitol at Madison; I signed it and left it in hands of Morris and Husting with understanding that it was to be presented to governor immediately; think McGovern was governor.....	1120, 1121, 1122, 1123
Resolution under which we were acting required investigation of whole senatorial campaign in the primary; think campaign conduct of other candidates was not same kind as Stephenson's.....	1128, 1129
Specific charges, entered into an investigation to determine whether or not they would be sustained by testimony; my opinion was and is that some of them were sustained and some of them were not.....	1103
Stephenson, felt it our duty to investigate his whole campaign and determine whether money had been spent corruptly or for purpose of influencing voters; we did not confine ourselves in the examination to the Blaine charges.....	1104
Stone, James A., Reedsburg, Wis., I recall my letter to; think it was offered in evidence at the examination before the joint committee.....	1102
Vote, withdrawn day preceding election of Stephenson by legislature, I do not remember that distinctly; I know there were situations like that arising along there, but I would not be able to testify about that particular matter.....	1123, 1124
Wagner, who testified before committee that he saw a transaction in which certain members of legislature received money, at which Puelicher was present, my information is that he testified falsely and was prosecuted for perjury and paid the penalty; as a member of committee I did not attach any importance to his testimony, independent of the criminal prosecution; all the members of the committee considered it false..	1119, 1120
Wellensgard, in testimony before joint committee said he paid men \$3 or \$4 for going to vote; was a member of assembly; I do not know whether our recommendations were broad enough to call him to account for it; so far as I know prosecuting officers never took any steps for that.....	1107, 1115, 1116, 1117
Meloy, F. C., dentist, Milwaukee, Wis., testimony of.....	1884
White, Richard, said to me, "I did get some money; I have got to have money to go out and tell the good qualities of the old gentleman, and he had many".....	1884, 1885
Meyer, Richard, jr., banker, Lancaster, Wis., affidavit of.....	2005
Age, 54 years.....	2005
Campaign committee at Milwaukee, received from, \$500; \$300 expended in procuring assistants in the south assembly district of Grant County to look after the posting of lithographs, circulating literature, and traveling of assistants; poll workers procured by assistants; also livery hire and conveyances.....	2006
Campaign work done for a considerable period prior to primary day and on primary day in circulating and causing to be circulated literature, and the posting of lithographs, and traveling in and about the county visiting his friends and generally advocating the cause of Stephenson.	2005, 2006
Lancaster, resided at during all his life.....	2005
Money not disbursed for the purpose of corruptly or unlawfully influencing or bribing any person.....	2006
Personal expenses, \$50 retained to cover.....	2006
Persons, employed none unless they were Stephenson supporters.....	2006
Phillipson, Leo, \$150 given to, for traveling about north assembly districts of Grant County circulating literature, putting up posters, and interviewing voters and providing poll workers.....	2006
Services, received practically nothing for.....	2006
Stephenson, at all times a supporter of, and personally anxious to see him nominated.....	2006

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Miner, Grant L., Richland Center, Wis., testimony of	1283
Cigars, spent \$2 or \$3 for.....	1284
Men employed, names of given; money paid to between time it was sent me three days before the primaries, I think, and primary day; not original memorandum; jotted down coming here on train.....	1285, 1286
Miner, E. S., candidate at that time for nomination to Congress, is another man.....	1284
Money, none spent by me, or as far as I know by men to whom I intrusted it, for purpose of bribing or corruptly influencing voters.....	1286
Richland County, paid money out there principally for men at the polls and teams to get voters to polls; some paid for auto hire and livery hire; \$15 or \$20 average paid out per precinct.....	1284, 1285
Statement of expenses, did not render one; not asked for one.....	1284, 1285
Stephenson, did not pay any person for supporting or voting for.....	1284
Stephenson campaign in 1908, received \$300 or \$350 to be expended in; do not recollect just the amount; paid out all but \$15 or \$20; I have that; did not keep it for my services; did not render services to amount to anything; they sent me this money and I did not commence to work until two or three days before the primary; money paid out in sums from \$5 to \$20.....	1284, 1285
Witness, did not testify as, in this investigation before either Wisconsin committee.....	1284
Morgan, Earl J., son-in-law of Senator Stephenson, Oshkosh, Wis., testimony of	1734
Advertising and printing, item of \$550 for, was a total sum; had bills for between \$400 and \$500 of it; made up balance from memory; included item of \$150 for postage.....	1741
Baseball association, donated either \$100 or \$125 to; was to create good feeling.....	1742, 1743
Batke, Emil, Oshkosh, paid \$20; put in considerable time putting up advertising matter and worked at polls.....	1750
Benedict, Ernest, made a trip along the Wolf River towns in Stephenson's behalf and was paid a per diem for his services and his hotel expenses; aggregated \$87.15.....	1744, 1748
Bolter, Herman, Oshkosh, paid \$15 for a special trip to a small place, I think it was Boyce city to put up advertising matter; paid \$5 a day for his time and expenses.....	1750
Boyson, paid \$15 to cover expenses of his boat and taking electors to polls.....	1746, 1749
Campaign committee had nothing directly to do with work I had in hand; did not report to them in detail.....	1747
Chase, John, paid him \$45 for a per diem of \$3 and expenses for canvassing for Stephenson and putting up lithographs; lives at Oshkosh.....	1749
Chautauqua grounds, gave \$100 for a fountain in; never have seen it; there was one put in at the time.....	1743
Cigars, \$200; they were handed out to workers to be distributed; used as advertising matter; each one wrapped in paper by itself on which was printed: "Never swap horses in middle of the stream" and "Vote for Uncle Ike;" think we were asked for fully as many cigars as we distributed voluntarily.....	1743, 1747, 1748
Crawford, E. G., my brother-in-law; paid him \$125 to cover his expenses to Ripon and for putting up advertising matter there and for engaging workers in different precincts there; paid \$50 additional to cover his personal expenses during two months prior to the primary election and for advertising that was put up and work for Stephenson..	1743, 1744, 1747, 1751
Daily Northwestern, Oshkosh, paid \$125 for paid advertising space; it was page or half-page advertising with a picture of Stephenson.....	1742
Davis, George, \$40 paid to was for a special trip into one of the neighboring counties, putting up advertising and advancing Stephenson's candidacy.	1749
Derber, E. J., Black Wolf, paid \$5 to cover his expenses on primary election day.....	1749
Edmonds, telephoned several different times in reference to campaign; item of \$25 for that.....	1748
Edwards, R. H., Oshkosh, paid \$100; was at that time connected with our company, Morgan & Co., in lumber business; made several trips through the county and adjacent counties and put up advertising matter and that was to cover his expenses.....	1750, 1751

Morgan, Earle J., son-in-law of Senator Stephenson, Oshkosh, Wis., testimony of—Continued.

General organization work, \$1,100, that took in all other expenses aside from those that came under the head of general advertising and public donations and two or three hundred dollars spent for workers primary election day, expended for different workers to carry on Stephenson campaign; out of that sum I personally gave money to at least 25 men	1744, 1746
German newspaper, paid about \$20 or \$25 to	1741, 1742
Gruenewald, town of Clayton, \$15 paid to, for team and work at polls.	1750
Items of which I kept an account amounted to \$2,300	1740
Johnson, Rice Lake, sent him \$25 to pay for his services in putting up some advertising matter	1747
Johnson, Winchester, \$10 paid him for use of his team, as I remember, on primary election day and for his services at the polls	1750
Kane, August, paid \$125 to cover his services during July and August	1744
McDonald, William, Oshkosh, paid \$25 for work for Stephenson	1750
Manning, F. M., paid \$44.25 for canvassing; connected with insurance company at Oshkosh	1748, 1749
Manzer, William, Oshkosh, paid \$25 to put up some advertising matter and he put in considerable time prior to 1st of September in Stephenson's behalf	1750
Memorandum book of certain portions of disbursements, after having read from it before joint committee, I tore it up and threw it in waste-paper basket in my office at Oshkosh; can not give date I destroyed it; was not original memoranda, but tabulation of items on slips of paper	1735, 1736, 1737, 1738, 1740, 1745
Mershwa, George, Oshkosh, paid \$20 for work for Stephenson	1750
Money, did not spend any, for purpose of bribing or corrupting any elector; so far as I know none spent that way by men to whom I intrusted funds	1745, 1751
Organization work explained; men paid for time at polls and for teams and to haul voters to polls; not for their time in going to polls	1746
Oshkosh "home-coming day," donation of \$200 to, think I was actuated in making that contribution by fact they had received a similar contribution, as I was given to understand, by Cook	1742, 1743
Peterson, Chris., Oshkosh, paid \$15 for work for Stephenson	1751
Slips of paper, on which I kept memorandum of different amounts I spent, kept in a drawer in my desk; copied them into the book after I was called to testify before investigating committee at Madison; kept advertising items on and some bills that had been rendered from time to time; slips not made at time I made payments; destroyed after campaign was finished	1739, 1740, 1741
Stephenson, matter of my having spent any money on his behalf was entirely voluntary on my part; there was no thought of my asking him to reimburse me at any time and I did not expect it at the time I was expending the money; it was only after he stated to me very emphatically that every cent that had been expended during his campaign was to be put into his expense account, that report was made to him of what I had spent	1745, 1747
Stephenson, received \$2,550 from him first part of November, after campaign was over; had expended it in his behalf during primary campaign; did not render him an account; merely told him, in answer to a request which he made, the total amount that I had expended	1734, 1735, 1739
Traveling expenses, \$125, money was spent in traveling in connection with campaign	1743
Williamson, town of Nekimi, \$15 paid to, for team and work at polls	1750
Winnebago County, expenditures distributed largely over; Oshkosh is county seat of	1746
Winneconne, paid \$10 to a man in town of; can not recall his name; he was to put up some advertising there and work on primary election day	1749, 1750
Witness before joint legislative committee	1734
Workers on primary election day, did not keep an accurate account of money paid to; estimated that expense as closely as I could in making up my total report, largely upon memory; think those items amounted to from \$200 to \$300; names of five at Oshkosh who received \$5 each given	1740, 1744, 1751

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Morgan, H. H., assistant United States attorney for the western district of Wisconsin, Madison, Wis., testimony of.....	925
Ames, A. R., was in charge of the county; he gave me \$50; how I expended it in detail.....	929, 930, 931
Democrats, would vote at Republican primaries, explained.....	928
Edmonds, asked him for \$226, giving him detailed requisition; copy of letter written him August 7, 1908, telling specific purposes for which money was required; amount asked for in letter, \$164, came up to \$226; when in conference with him it was decided to send literature in Dane County out in 2-cent instead of 1-cent envelopes.....	926, 927, 928
Gordon, George, I am assistant in same district where he is United States attorney.....	933
Keyes, E. W., postmaster at Madison, my recollection is that both the check for \$226 and for \$73 were indorsed by me to him, inasmuch as a large part of sum was taken to purchase stamps at that time.....	928
Money, I received \$299 from Edmonds, by Puelicher's checks; received draft for \$266 from Puelicher, August 20; at a later time I received \$73; received \$50 from A. R. Ames.....	925, 926, 928, 929, 932
Money, none used by me or, so far as I know, by those to whom I disbursed it for directly or indirectly bribing or corruptly influencing voters.....	933
Stephenson, I participated in his campaign in 1908.....	925
Testimony before Senate committee that I was charged with receiving \$2,555 is a falsehood; my recollection is that the testimony given before the Wisconsin Senate committee by some witness was to the effect that I had received \$255, and by moving that up one decimal point you would have \$2,550; that is the explanation I made to my friends; it was not verified, though, before being printed and sent to the senate.....	931, 932
Wisconsin Senate committee, I was subpoenaed and answered promptly; the senators failed to call me.....	932
Morley, Calvin E., as to taking original memorandum book from the affidavit of.....	1646
Morley, Calvin E., ex-Assistant Sergeant at Arms, House of Representatives, Washington, D. C., resides Viroqua, Wis., affidavit of.....	2006
Age, 68 years.....	2006
Book containing original entries of expenditures marked "Exhibit A"....	2007
Boyle, Lewis C., handled campaign and campaign fund with him; gave him \$125.80.....	2007
Campaign headquarters at Milwaukee, received from, \$500; \$200 sent back after primary campaign closed.....	2007
Campaign work for Stephenson in Viroqua and Vernon County during primary contest, at request of Edmonds, who gave no particular instructions, except told to use own judgment, and they wanted to carry on a clean campaign and make the expenditures as judicious as possible and not to expend any unnecessary moneys, and no moneys should be expended excepting for legitimate purposes.....	2006
Disbursements of \$174.20, itemized; kept in memorandum book, which contains originals entries; submitted for inspection.....	2007
Madison investigation, did not appear as witness at.....	2007
Money not disbursed for the purpose of corruptly or unlawfully influencing or bribing any person.....	2007, 2008
Precinct workers, instructions given to; none employed unless they were supporters of Stephenson at the time of employment.....	2007
Statement of disbursements, never called upon for itemized.....	2007
Services, made no charge for.....	2007
Stephenson, supporter of, at all times and prior to work in campaign.....	2006
Viroqua, resided in, about past 52 years.....	2006
Morris, Thomas, lieutenant governor of Wisconsin, testimony of.....	1129
Blaine resolution, I testified before joint investigating committee, I voted for it because specific facts had been set up; I considered it, and not the charges, started investigation; charges were filed and resulted in the adoption of the resolution.....	1130, 1131
Caucus and primary election law, I testified before joint committee I considered both binding, if fairly and honestly conducted.....	1130
Chicago, Titus, Husting, and myself went separately to; met there, I think, at Great Northern Hotel in the morning about 10 o'clock; I think I went down on the Milwaukee line; do not remember whether we discussed object of trip in lobby of hotel; from there went to McCordie's office in Rookery Building.....	1145, 1146, 1147

Morris, Thomas, lieutenant governor of Wisconsin, testimony of—Continued.

- Committees, senate and joint, continued sessions at Madison after election of Stephenson; being in possession of information that Shields came from Washington with money to influence election of Stephenson, record shows no evidence of effort to run it down, but members of senate committee tried to get witnesses and could not; do not know whether members of senate committee communicated Shields matter to house committee; I know I did not. 1169, 1170, 1171, 1172
- Conversations, before I went on errand to Chicago, held, I think, with Senator Hustung, Senator Owen, Senator Sanborn, and I think I talked with Mr. Van der Cook, reporter on a Milwaukee paper, but whether it was before I went or after I came back I am not certain; talked with Blaine; may have talked it over with several other senators. 1145
- Cook, W. H.:
 Asked us to withhold information given us until such time as he gave us permission to disclose it; feel it my duty to disclose it now, irrespective of that agreement; his reasons for keeping it secret. 1136, 1153, 1154, 1155, 1156
- Conversation with, about 1st of June, 1911, was between time committee had filed its report and the time when legislature adopted the resolution recommending that the United States Senate investigate the matter. 1136, 1140, 1142
- Conversation with, in Chicago, occurred a very short time after he was a witness before Helm committee; I do not know whether he had testified before the Lorimer committee of the United States Senate then. 1150, 1175, 1176
- Discussed the disappearance of Shields when he was subpoenaed by the joint committee and claimed to know where he was, in fact, at that time—hidden in a Chicago hotel; I do not remember if he stated where he got that information. 1157
- Had conversation with on train when I was going home from Chicago and he was going to Duluth; Senator Hustung present; do not think I had a conversation alone with him. 1138
- Hines's partner in lumber business, conversation with about 1st of June in McCordic's law office in Rookery Building, Chicago, at which Senator Hustung and Assistant Attorney General Titus, of Wisconsin, were present, about deal between Stephenson and Hines, whereby he said approximately a hundred thousand dollars was raised for purpose of securing Stephenson's election in the legislature; and that Shields knew all about it; said sum was used to keep Democrats away from joint session and for special train that brought Reader out. 1133, 1134, 1135, 1136, 1137, 1142, 1153, 1159, 1160, 1176
- Promised to use his influence with Shields and to get him to come forward and tell about the whole thing; I have never seen him since; he agreed to write to McCordic and McCordic was to write to Titus and let him know result of interview with Shields; recollect I heard from Titus that he did write McCordic saying Shields had gone to Canada. 1138, 1179
- To whom McCordic referred is same one over whom controversy took place in Lorimer case. 1151
- Crownhart, C. H., chairman of industrial commission, Madison, was asked, as I understand it, by Saunderson how much the progressives would be willing to pay to have charge that three Democrats received money to absent themselves from legislature worked out by a detective, claiming information was here in Milwaukee and that he knew who had it; refused to pay for services of a detective; have talked with him since United States Senate committee was appointed. 1134, 1135, 1163
- Crownhart, first heard from him that Shields had been to Washington to see Stephenson and probably come back with money. 1169
- Hambrecht, was one of the assembly members of joint committee. 1130
- Hatton, I expended no money for him among voters; testified before joint committee with reference to spending senatorial candidate's money; I thought it wrong, and that if I had it to do over again I wouldn't spend that \$25 for him; I think it is wrong now, but the record shows that the money was spent for printing bill and postage. 1167, 1168
- Hatton supported him in campaign, but not in senate. 1131
- Husting, have discussed incident of trip to Chicago with, to-day. 1146

Morris, Thomas, lieutenant governor of Wisconsin, testimony of—Continued.

Husting, I have discussed conversation at Chicago with him several times; we discussed what to do about it; we were anxious to get it before the legislature if we could.....	1156
Husting, Senator, was my associate on investigating committee.....	1140
Husting resolution, testimony before joint committee that I voted against it because no specific cases of fraud were set up.....	1130
Kittle, William, of Madison, conveyed to me same information that Saunderson gave Crownhart, and I refused to pay for services of a detective; I talked with him several times at Madison and at my home in La Crosse.....	1135, 1163
Lieutenant governor, I preside over senate as; journal would show my absence, but not where I was.....	1145
Marsh, chairman of senate committee, I concur with his statements as to the reasons for the findings; but I have other reasons for concurring with findings.....	1131, 1132
Marsh, Senator, I think he knew about conversation in Chicago with Cook and rumors with reference to Shields bringing blank check from Washington; I do not know whether I talked it over with him at time investigating committee was in session.....	1177, 1178, 1179
Member of Senate of State of Wisconsin in 1908 from thirty-second district.....	1130
Memorandum book of expenses, I always carry one; I do not remember whether I made any entry of my expenses on this trip to Chicago.....	1143, 1144
New information, I have had some since the investigation which would tend to throw new light on the matter.....	1132
Report made by committee of three senators, I joined in it.....	1131
Saunderson, assistant sergeant at arms of senate at time Stephenson was elected; have not talked with him personally, understand that he was informed by another party here in Milwaukee, whose name I do not know, that part of money went to three Democrats who walked out of joint session; is an attorney; informed that he had this information by Kittle.....	1134, 1139, 1173, 1175
Shields, Cook said he went to Chicago and insisted on being paid \$15,000 by Hines for his services at Madison; that there was a dispute about it; that he returned to Duluth to talk matter over with Cook's partner; that partner went with him to Chicago and it was settled by Hines giving him, I think, \$7,500 and a certain line of fire insurance; I have never seen him; Cook got this information from his partner and, I think, from Shields.....	1137, 1138, 1157, 1168, 1176, 1177
Shields, Robert, Superior; informed he went to Washington just before election in legislature and saw Stephenson and came back with money, which I understand was in the form of a blank check; our committee subpoenaed him and he disappeared; left the State; we were never able to obtain his testimony; got information concerning blank check first in letter from Kittle; information reached me since matter has been with United States Senate; I did not know it when I went to Chicago.....	1134, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1172
Stephenson, I withheld my vote from him while the charges were being investigated, intending to vote for him if it showed he received the nomination fairly; never did vote for him.....	1131
Stephenson, senate committee tried to subpoena him and he would not come.....	1172
Titus, came to me and said he had a friend in Chicago, McCordic, an attorney, who had talked with Cook, and that Cook had some information with reference to election of Stephenson by legislature; introduced Hustling and me, in Chicago, to McCordic, who sent for Cook.....	1137, 1141, 1144, 1147, 1148, 1149, 1150, 1151, 1152
Titus, his physical and mental condition extremely poor during last year and a half.....	1179
Wagner, man indicted and convicted of perjury; this man that Saunderson is supposed to have talked with claims that that transaction to which he testified really took place, as I understand it; personally I never attached any weight to that testimony.....	1139

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Morse, Roy L., attorney, Fond du Lac, Wis., testimony of.....	1204, 1215
Account of my expenditures, did not render one to anyone connected with campaign.....	1211
Blaine, John J., sixth specific charge by; statement therein that Stephenson or his representatives paid me sum of \$1,000 is not true; only possible foundation of charge is receipt and expenditure of the \$700 to which I have testified.....	1204, 1207
Check of \$450, never got one; can not account for statement that I did, except as I inquired from Mr. Black in regard to it down before the investigating committee at Madison, and I think he told me that the check showed it was not \$450 but \$250, and that the \$200 charged up at that time went to Edmonds for some other purpose.....	1205, 1206, 1207
Downey, James, North Fond du Lac; paid him \$90 to organize his village in interest of Stephenson; did not report to me he spent it that way; I know certain men that he employed; do not know what he paid them.	1208, 1209
Drankus, James, paid him \$15 to be used in the fourth ward.....	1209
Edmonds, second payment of \$250 came from Milwaukee with a note signed by him; can not give date.....	1205, 1206
Fond du Lac, have been resident of, for 10 years.....	1204, 1218
Green Lake County, made two trips in east end of.....	1208
Kinney, John, paid him \$10 to do work in city of Fond du Lac in interest of Stephenson.....	1209
List of names of men to whom I paid money left at Madison with some one connected with investigating committee; asked me to do so by vote; in absence of, small items paid a few workers given from memory.....	1212, 1215, 1216, 1217
Memorandum of my expenses during campaign, I was not able to find that; I had a tablet upon my desk in my office, in which I put down the amount of money I had spent, when I came back from a trip.....	1207
Men to whom I gave money did not render any account to me as to method of their expenditures; presume they spent part of it in treating, although I have no personal knowledge as to that.....	1210
Money, all paid out except what I kept for my own services; paid to different people for their services and to distribute to others in working for Stephenson in Fond du Lac County; partly for workers at polls and when I found a man of some influence was in favor of Stephenson I got him to put in some time and I paid him for that time; do not think any was spent in paying men to go to polls.....	1210
Money, how expended, paid \$200 to men outside of the city of Fond du Lac in the county and about \$200 in the city of Fond du Lac; I paid \$50 for advertising, stamps, putting up posters, and distributing literature; and \$150 for my personal expenses in going around the city and county in the interest of Stephenson.....	1207, 1208
Money, I received in all \$700 from Stephenson fund.....	1205
Money, none used by me and to my knowledge none used by those to whom I paid it for purpose of bribing or corruptly influencing electors.....	1217
Morgan, Earle, Oshkosh, son-in-law of Stephenson, had first talk with in reference to campaign; either had a telephone message or letter from him stating he heard I was working for Stephenson; telephoned later and asked me to organize down there; told him I could not; gave him some names; next thing I knew Overbeck came down.....	1211
Moriarity, Pat, paid him \$15 to do work in city of Fond du Lac in interest of Stephenson.....	1209
Morse, E. A., Antigo, I do not know anything about sums of money received by him in campaign; is Congressman from that district now.....	1217
Murray, George, paid him \$60; went around through the southern and eastern towns and carried literature with him and employed poll workers there.....	1209
Murray, James, paid him \$20 to use in the north wards of the city of Waupun, Fond du Lac County; do not know whether he used it in interest of Stephenson.....	1209
Offices held, district attorney for Fond du Lac County from 1901 to 1905; city attorney of Ripon.....	1204
Organize, defined, to so arrange matters that votes can be gotten out for the candidates—to advertise the candidate and advertise what he stands for.	1209

Morse, Roy L., attorney, Fond du Lac, Wis., testimony of—Continued.	
Overbeck, first had a conversation with, at Fond du Lac in my office; asked me to organize Fond du Lac County; talked over amount required; said that committee or somebody had decided that \$700 could be sent up to me.....	1211
Practicing attorney, have been since 1896.....	1218
Puelicher, received first \$200 from him in city of Milwaukee to organize Fond du Lac County in interest of Stephenson primary campaign; paid out all of that to others; did not render an account of it; received it on second Saturday before the primary; in cash.....	1205
Saloons, I presume I stopped at them on my way around the county and bought for the different ones who were there; out of \$150 expense money I spent in going around the county should not say more than \$25 altogether was spent that way.....	1210
Services, I arranged with Overbeck or Puelicher, I think Puelicher, to receive \$25 a day for my services in that campaign; they said they should not spend in Fond du Lac County more than \$700, and I could take my \$25 a day out of that; I did not deduct that much, because the campaign required more than would be left; I had, when I got through, about \$90 for my own services.....	1207, 1208
Third payment of \$250 received two or three days before the primary.....	1206
Williams, D. O., my law partner, gave him \$15; think he spent most of that in work he had done while I was out of the city.....	1209
Murphy, Lawrence, broker, Milwaukee, Wis., testimony of	1965
Bribery, did not think Vandersee's proposition as to securing services of Pestalozzi was in the nature of.....	1965, 1966, 1967
McGovern, Pestalozzi said he was identified with his campaign; I did not suggest that he drop him (McGovern); Pestalozzi did not say he was employed by.....	1965, 1969, 1971
Money, Vandersee mentioned \$1,500 or \$2,000 as being the sum to be paid to Pestalozzi if he should secure the Italian vote in the interest of Senator Stephenson.....	1965, 1966, 1967, 1968, 1969, 1970
Pestalozzi, talked with him about trying to organize the Italian voters in the State in the interest of Senator Stephenson; never offered him any money with the intention of bribing him to support Senator Stephenson; did not consider the proposition of Vandersee in the nature of a bribe.....	1965, 1966, 1967, 1968, 1969
Pestalozzi told me he was identified with the McGovern campaign; did not suggest to him that he drop McGovern.....	1965, 1969, 1971
Vandersee, Frank, asked me to try to interest Pestalozzi in the Stephenson campaign; said he (Pestalozzi) would be paid for it; did not consider his proposition in the nature of a bribe; think the sum mentioned was \$1,500 or \$2,000.....	1965, 1966, 1967, 1968, 1969
Vandersee, gave me impression that he had authority to make the proposition which he did as to securing the services of Pestalozzi.	1970, 1971, 1972

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Newspaper advertising or purchase of editorial influence, as to statute on the subject of.....	356, 357
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O.

Objections by counsel for Stephenson, notice taken of, by subcommittee	575, 576, 1103, 1118, 1127, 1128, 1131, 1132, 1133, 1140, 1525
O'Connor, D. J., practicing physician, Appleton, Wis., testimony of	817
Account, I made it out myself; it was written with a pencil; I do not know where the statement is; do not remember whether or not I left it in Wayland's office; I can remember there were items of expense for cigars and liquor and automobile hire and moneys expended on an auto trip through-out the county.....	818, 819
Automobile trip through county one afternoon, spent \$15 for auto hire; did not pay any money to persons; spent \$135 that afternoon for drinks and cigars; I did not drink on trip; did not see anyone drunk; character of trip in detail; was gone about 12 hours; covered 150 or 160 miles; visited about 80 saloons.....	820, 821, 824, 825, 826, 827, 828, 829, 830

O'Connor, D. J., practicing physician, Appleton, Wis., testimony of—Continued.	
Cigar bill of \$52 or \$62, purchased immediately after returning from Milwaukee before receiving Edmonds's letter; I think it was latter part of July; I gave them around to men in that county; some of them distributed in my office; there were about a thousand cigars, and I returned either 350 or 450 to drugstore where I bought them; testimony before joint legislative committee, as read, is correct.....	819, 820, 821, 826, 827
Edmonds, arranged with him six or seven weeks before the primary in Milwaukee; I received a letter from him previous to my visit; I was to go around the county, interest the different people in Stephenson's campaign, and put up some literature; I was to have \$500; after I returned home I received a letter from him "to call the deal off"; I do not know why he canceled agreement.....	817, 818, 819, 825, 827
Edmonds, asked me the day I was there what I thought it would cost to make a thorough campaign of Outagamie County; I told him a great deal more than \$500; he thought \$500 would be about enough to spend up there with what they were going to spend through Wayland; he limited me to that amount and I said I would do what I could with it.....	826
Money, how expended, read from testimony before joint legislative committee; testimony correct.....	820, 821, 822, 823, 824, 825
Money, I did not use any for purpose of bribing or corruptly influencing voters; no one expended any for me.....	829
Outagamie County, I made a canvass of it for Stephenson in primary campaign of 1908.....	817
Sherman House, at Appleton, I bought some cigars in addition to \$62 worth; bought some liquor there; it was just treating as I would go in there and find somebody there; town people drank with me; that was during time of this primary; bought a supper costing about \$1.60 there for driver and myself day of auto trip.....	823, 824, 826, 827
Stephenson, stood for him as candidate on automobile trip; not because I received money from Wayland; I had supported him before; had always known his family.....	822, 823
Sum of \$307, I spent about \$1.60 of it for food and \$305.40 for an automobile and for whisky and cigars.....	826, 827
Sum of \$307.30, I received it some time after the primary; I had expended that sum out of my own pocket on account of Stephenson campaign; I rendered an account and the account was paid; think it was a check signed by Edmonds.....	818, 825
Wayland, I brought my account to his office and he asked me what the amount was; I told him, and I had down what it was for; he said he would take it up with Edmonds and I would get paid.....	818, 819
Wayland, renewed arrangements with him; he stated he was representing Stephenson; he told me to continue to do what I could for Stephenson's election, and when I got through he would pay me what money was expended.....	818
Orton, Robert E., banking business, Darlington, Wis., affidavit of	2008
Edmonds, E. A., under date of August 13, 1908, received check for \$1.50 from, reimbursement for expenses in having banners posted in the interests of Stephenson.....	2009
Edmonds, under date of August 27, 1908, received sum of \$300 from, according to agreement previously made with, the money to be used in organizing the various voting precincts in Lafayette County in the interests of Stephenson.....	2008
Money disbursed, with the exception of payment of \$100 to William Wilson, believes none disbursed in the nature of a bribe or for unlawful purposes; as to money paid to Wilson, has no knowledge as to what purpose it was put by Wilson.....	2009
Statement of expenditures in detail; made from memorandum book kept during primary campaign; book now in his possession; items explained; never rendered any statement to any representatives of Stephenson; has no recollection of having been asked for any; in all cases in the past where he has handled money for others for campaign purposes an accounting has always been made.....	2008, 2009

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Overbeck, Henry, real estate business, Sturgeon Bay, Wis., testimony of..	830, 2091
Campaign, I was at work during practically all of the campaign; was in Milwaukee part of the time and part of the time throughout the western part of the State.....	833
Crandall, paid him \$20 or \$30 for distributing literature in Door County..	831
Democratic members who absented themselves from joint session of legislature March 4, so far as I know no consideration was paid them or any promise or agreement made them to procure their absence.....	2094
Door County, I sent three or four poll workers from three to five dollars apiece in different towns at different times, but the names I can not recall..	832
Edmonds, assisted him in general campaign of 1908 throughout State; knew that he sent out circular letters to candidates for assembly and senate to find if they needed assistance; knew he received a great many responses; do not know to how many he sent aid.....	2092, 2093
Edmonds, left Madison some time before 1909; left matter in my charge; think he went to Washington on some tariff matters; furnished me with funds I disbursed during that time, \$513; after campaign was over, some time about middle of March, gave me \$300 as compensation..	2093, 2094, 2095
Edmonds, recollect that during progress of general campaign when he was chairman of State central committee, he received a communication from chairman of Door County committee requesting a contribution and saying that Reynolds had serious opposition and they needed help; inquired of me what I thought about it; advised him to send it directly to Reynolds instead of chairman.....	2092
Game warden, I was formerly the State warden; not at time of 1908 primary.	832
Haney, John L., manufacturer of veneer, Kewaunee, I paid him \$110 to be used in hiring teams to bring people to the polls and to hire men to check up and see who go to the polls and to call their attention to voting for Stephenson.....	831, 833
Jesson, on Washington Isle, I sent him \$10 for looking after that polling place.....	831, 832
Legislature of 1909, was in attendance upon in the interest of Stephenson; kept tab upon members and kept track of their presence and absence and things of that kind.....	2091, 2093
Members of legislature, a usual thing for them to pair during Stephenson contest.....	2092
Miner, E. S., Sturgeon Bay, I paid him \$100; was then a candidate for Congress; was not nominated; was a former member; paid him to get men and teams for poll work; looked after portions of Door County that he was visiting; defeated by Küstermann in primary; as he made canvass throughout the county the agreement was to divide the expense; he was to hire workers and he was to pay a part of it and we were to pay a part of it.....	831, 834
Money, I did not spend any to pay or compensate electors to vote for Stephenson; did not use any for purpose of bribing or corruptly influencing electors; to my knowledge none used for that purpose by people to whom I gave money.....	832
Money, none paid or agreed to be paid by me, or to my knowledge by anyone, to any member of assembly or senate for influencing his vote in interest of Stephenson.....	2094
Money was to be expended in Kewaunee and Door Counties and in paying my personal expenses; no part of it for salary for me.....	831
Morse, Roy, I had a talk with him; he was not a game warden or deputy; I selected him, and he made arrangement to look after campaign work with Edmonds; was located at Fond du Lac; I gave him no money....	833
Pair between Assemblymen Ramsey and Fenelon, I arranged it through Mr. Reed.....	2093
Pair between Senator Randolph and Assemblyman Daub; I did not arrange it; in talking over list of absentees, I learned that both were absent and had arranged a pair between themselves.....	2091, 2092
Perry, M. W., in manufacturing business at Kewaunee, paid him money for work in Kewaunee County.....	831, 833
Political promises or agreements, none made by me or by anyone, to my knowledge, to any member of assembly or senate as a consideration or for purpose of influencing any vote in interest of Stephenson.....	2094

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Overbeck, Henry, real estate business, Sturgeon Bay, Wis., testimony of—Con.	
Reed, called him up morning of March 4 and asked him to see Fenelon and try to arrange a pair or to have Fenelon telegraph Ramsey and ask him to pair with Fenelon; called him up later to ascertain if telegram had been sent Ramsey and he informed me that it had been.....	2093
Stephenson, after general assembly convened, did not render him an account directly for services or expenditures made during that session in his behalf; did not pay any money to me directly.....	2895, 2096
Stephenson, I had always been his supporter.....	832
Sum of \$300, unaccounted for, used by me in paying my personal expenses in traveling in eastern part of State.....	832
Sum of \$513, how disbursed by me at Madison during legislative campaign; paid D. H. Davies, whom Edmonds had employed, \$145; paid Young, who came from Milwaukee, expenses for two or three days, which amounted to \$18; near as I can divide rest up, paid \$35 for railroad fare, about \$125 for hotels, means, and incidentals, and \$195 for telegraph and telephoning.....	2094
Sum of \$771 received by me to be used in Stephenson campaign; \$71 of it was paid out by me before I received any money from Edmonds; \$100 of it was received early in the campaign, and then I received \$500; I would not even approximate the date; all disbursed to parties named and a few whose names I can not remember, with balance used for my personal expenses.....	830, 832, 2095
White, T. M., paid him \$100 to get teams and men at polls; he was partner in manufacturing business with John L. Haney, Kewaunee.....	831, 833

P.

Pairs, motion of counsel for Stephenson to strike out all expressions of opinion in testimony of Zimmerman in relation to, and the effect of.....	1525
Patrick, L. S., testimony of.....	1294
Stephenson, was once his private secretary; not recently; not in 1908; think check he gave me for \$190.99 was a settlement for expenditures I made during the entire year; think part of it had some connection with his campaign; I paid some, I think, for postage and some for traveling expenses; could not tell how much; have no memorandum of it; did not receive any other money from him or his managers for campaign purposes.....	1295
Pearson, C. L., State senator of Wisconsin in 1909, farmer, testimony of.....	1582
Domachowski told me on the day of election he had been offered \$1,500 to stay out of session while vote was being taken; about a week later told me that it was a joke; impressed me when he first told me the story that he was in earnest.....	1582
Penalties: Caucus and general election laws applicable, from election laws of Wisconsin.....	371
Perrin, Solon L., attorney at law, Superior, Wis., testimony of.....	652, 698
Account of expenditures; did not occur to me during campaign I ought to keep one; never asked to, and did not make one to Stephenson, Edmonds, or Sacket; never attempted to make one until I prepared one for legislative committee.....	683, 684, 685, 689, 690
Advertising material, all sent out of Milwaukee; I think I gave the names of the local men to Mr. Edmonds, and the matter was sent direct to them; matter included posters and lithographs; four counties quite generally covered with.....	694
Bank account, only have one; paid everything out of it; paid my family expenses out of it.....	684, 686
Bayfield Press, paid \$25 cash September 15 for printing in connection with Stephenson campaign; I do not remember what printing.....	666
Bribery statute; I do not agree with interpretation that it means the very giving of anything to an elector to procure an act to be done irrespective of whether act is lawful or unlawful.....	676, 677
Business; no one has any interest in mine but myself; did not enter any of campaign sums in my books; Stephenson matter treated entirely independent of the business of the office.....	700

Perrin, Solon L., attorney at law, Superior, Wis., testimony of—Continued.	Page.
Campaign; I was asked to take charge of Stephenson's interests in Bayfield, Douglas, Sawyer, and Washburn Counties; there were four candidates, three of them trained politicians; Stephenson's candidacy was announced very late; the work that had to be done for him was in the enemy's country; the people in those counties did not know Stephenson; in order to get his claim before voters, it was necessary to engage as many people as it was possible for us to get; his candidacy put forward, so far as I know, within the law.....	674, 675, 676, 693, 694
Campaigns; I had been intimately connected with others prior to this one; no methods used in Stephenson campaign other than those used in prior campaigns; I have taken part in 16 campaigns in that section.....	691
Candidates for legislature before the primaries from four counties in my charge; my talk with them before primaries was to whether or not they would support the nominee for United States Senator in the primary; I did not pay or offer to pay any of them money; do not know of any money I handled being paid to.....	680, 681
Canvass; unable to make one complete enough to get poll and mailing lists with money turned over to me; the territory was too large and the time too short; we did not have a canvass that made it possible to watch men at polls and see that all the Stephenson men had voted.....	694, 695, 696, 698
Cash item of July 17, \$100, was my own money that I expended before I received any check from Mr. Edmonds, if I remember correctly.....	655
Cash item of July 30, \$25, in account; I can not recollect for what money was paid.....	655, 656
Cash item of August 1, \$25, indorsed by Columbia Clothing Co.; it did not go to them; was cashed in their store; it was presumably given out of hours.....	658
Cash item of August 1, \$125; I have no recollection for what it was expended; it represents money paid out by me; no part of it was compensation to me; I can not name anyone to whom I paid it.....	657
Cash item of August 4, \$15, indorsed by H. R. Grochau, agent of Omaha Railroad; I do not know what it was for; Grochau did not get the money; it was cashed in his office.....	658
Cash item of August 14, \$250; I have no recollection who got the money; there is no source to which I could appeal to refresh my memory in regard to it; can not account for cash item of \$25 on same date.....	659, 660
Cash item of August 18, \$50; can not account for it; all of \$5,000 was available then.....	661
Cash item of August 21, \$40, indorsed by L. D. Balmat & Co.; they did not get the money on that; it was cashed in their restaurant.....	661, 662
Cash item of August 29, \$150; I do not remember it.....	665
Cash item of August 31, \$300 and one for \$25; I do not remember them....	665
Cash item of September 10, \$150; I do not remember what it was paid for..	666
Cash item of September 12, \$25; I do not remember what it was for.....	666
Cash items, checks were drawn payable to "cash" and the money paid to me; not a cent of the money indicated by them or the checks remained in my hands; I can not, in detail, account for a single item.....	665, 669
Cash items of August 5 for \$200 and \$25, I have no recollection for what expended.....	658
Cash items of August 7, aggregating \$225; I have no recollection for what that was used for.....	659
Cash items of August 8, aggregating \$250, I have no recollection for what it was expended; item of \$50 on that date indorsed by James Glynn was cashed in his saloon; he did not get the money on it; money was not expended in the saloon.....	659
Cash items of August 21 of \$200, \$100, and \$40; I do not recollect them....	661
Cash items of August 22 for \$100 and \$25; do not recollect them.....	662
Cash items of August 26, three for \$50 each; one indorsed by R. J. Agen; he did not have the money.....	664
Cash items of August 28, two for \$50 each; I can not account for them.....	664
Compensation, I kept a little less than \$500 for my own; I paid up all the bills and I had that much in the bank when I got through.....	672, 686

Perrin, Solon L., attorney at law, Superior, Wis., testimony of—Continued.	Page.
Counties, four in which money was expended—Douglas, Bayfield, Sawyer, and Washburn; are most northern counties of State; Superior located in one of them; only other large city in them is Washburn, city of about 6,000 inhabitants, in Bayfield County; I spent almost all my time from August 1 to 21 in those counties and more than half of it in Superior; vote in the four counties; newspapers circulated in.....	661, 662, 674, 675, 692, 693
Dresser, H. L., had nothing to do with the campaign and does not live in the State; I was in Duluth and somebody made application to me for money and I had to go to him and borrow it and gave him check of \$10, August 18, to reimburse him; it was money expended in the campaign; I can not say to whom I paid it.....	661
Duluth News-Tribune, paid item of \$40, August 28, for advertising; has a Superior department and page and is circulated very generally throughout Superior.....	665
Edmonds, E. A.: Did not say that I should keep an account of expenditures; I did not not say anything to him on subject; nothing said to effect it was necessary.....	688
I do not think any correspondence passed between us; there was no telephoning between us as to subject of money.....	689
I talked with him first about my employment in campaign; in Milwaukee; recollect that he sent for me to come down and talk it over; asked me what could be done for Stephenson in eleventh congressional district; he spoke about me taking charge; I did not want to do it; we tried to figure out who could handle it; I think I was here three times, when he finally decided he would ask me to look after those four counties.....	687
Paid me first sum of \$1,000 to electioneer for Stephenson; I procured assistance to disseminate information in regard to the reasons why we thought he should be returned to the Senate; I paid out all of first \$1,000.....	654
Said in first conversation early in July they would provide the money for campaign in my four counties; I said I thought it would take \$5,000; he said he did not know whether he could get that much money; he did not know at that time how vigorous and careful a campaign Stephenson would put up; in next conversation, 10 days after, nothing definite was said about amount to be expended; when I received first \$1,000 it was not determined \$5,000 should be expended.....	687, 688
Electioneering, defined; to electioneer is to further the interests of a candidate; includes treating.....	673, 679
Eleventh congressional district, includes four counties under my control in campaign and eight others; was district in which Judge John J. Jenkins was defeated by Lenroot for Congress in that primary campaign; Stephenson, largely supported by stalwarts, had a plurality in four counties carried by Lenroot, a "half-breed;" section was rather strongly "half-breed".....	698, 699
Expenditures, I had no purpose in concealing them in failing to keep a memorandum of the detailed work done by me or those under me.....	691
First sum of \$1,000, I planned that we would take it and get a hold of as many of the men who were accustomed to doing political work in that territory as we could get hold of with that money, laying the foundation for a further and more extensive electioneering organization if the money was forthcoming.....	689
Fridley, C. R., items of \$300, August 1, and \$50, August 14, paid to him for electioneering in Superior and Douglas Counties; he did not render a statement to me; I do not know, in specific terms, how he expended the money; was an attorney and old resident of Superior; he received cash item of \$50, August 26; think he received more of cash items than appear to have been given him upon checks drawn to his order; I should think I gave him \$1,000; I can not swear to any definite amount.....	656, 660, 661, 664, 671, 672, 683, 686, 690
Funds, I always kept personal funds in my pocket, separate from campaign funds in my pocket; I would have my money for my own use in one pocket and Mr. Stephenson's in another.....	687

Perrin, Solon L., attorney at law, Superior, Wis., testimony of—Continued.	Page.
Inglis, Robert, paid item of \$10, August 27, to be expended in campaign; worked in Bayfield County; did not account to me for expenditures made.....	664, 690
Instructions with regard to disbursements, I do not recollect I gave any as to use to be made of money; it did not occur to me that I should have done so; I do not recall that I gave specific instructions to men employed.....	678, 681
Kirk, G. H., item of \$10, August 29, indorsed by him; he never had the money; he was agent of one of the railroad companies and cashed that check for some of us.....	665
Lamere & Hamilton, item of August 22 was paid them for bill posting in Washburn, Bayfield County; I sent them my check, I think.....	662
McManus, T. W., item of \$45 paid him August 29 for advertisement of Stephenson's candidacy in a program that he was in charge of, gotten out, I think, for use on Labor Day.....	665
Maxcy, D. M., Bayfield County, paid item of \$25 August 28, to be paid to the men who attended the polling places primary day, to disseminate information in regard to Stephenson's qualifications; I was not present when they did it; do not know the manner in which they did it; paid item of \$25 September 9, to keep my arrangement for payment to workers at polls; did not account to me for expenditures.....	664, 665, 666, 690
Mead, L. H., paid item of \$10 August 27, to be expended in campaign; worked in Washburn County; did not account for any expenditures made.....	664, 690
Memorandum, did not keep one, as I would expend money from campaign pocket; I did not keep one of the names of the individuals I had working in each of the several voting precincts; have no recollection of keeping an account with Stephenson.....	689, 690, 700
Men, I did not think it was necessary to tell them that they should not buy a vote. I had no idea that one of them would try to, and I do not believe he did.....	678
Men employed, should think there were less than 100 to whom I paid money; paid them from amounts ranging from \$5 to \$150, depending on what I expected the man to do, where he could work, and what he could accomplish; how money to them was paid; I did not pay a man unless I was satisfied he was worth it; I always ascertained before paying whether he was friendly to Stephenson.....	681, 682
Money, I did not check up after campaign was over to see what I had expended; I checked up when I was subpoenaed before the joint committee at Madison.....	686
Money, I did not pay out any received from Stephenson for any corrupt purpose; within my knowledge, none that was placed in my hands for use in the campaign was expended in bribing or corruptly or improperly influencing voters.....	678, 699, 700
Money, paid to a great many people I knew personally; can not recall the names now; when this thing was over I dropped the entire subject and went about something else; do not remember any man to whom I paid money outside of those given in statement.....	683, 686
Nelson, Nels, paid item of \$27 September 9, to pay for workers at polls....	666
Obtaining votes corruptly, I should think it would arise where there is money or something of value paid to an elector to vote for a candidate to whom he is opposed; would not think it included treating an elector for purpose of making him friendly; would not think entertaining a person antagonistic to my candidate with meals, drinks, and carriage rides would be corrupt practice.....	678, 679
Primary campaign of 1908, I took an active part in it; supported Stephenson.	652
Representatives in four counties were in charge of details there; I was in conference with them from time to time; we discussed campaign generally, but did not go into details of expenditures or I would have lost their support; they would have thought that I had no confidence in them....	692
Saloons, I am rather inclined to think that sometimes, in order to get a man into a receptive mood, I might possibly have bought him a drink; I do not think very much of money represented by cash items was spent in saloons; no one can tell how much of it was; utterly impossible for me to estimate how much of the balance of the \$3,000 unaccounted for was spent in saloons.....	669, 670

Perrin, Solon L., attorney at law, Superior, Wis., testimony of—Continued.	Page.
Savage, W. W., was clerk in my law office; I have not any definite recollection of what item of \$25, July 25, was paid to him for; I am not sure about check for \$25 August 19; I sent him out two or three times, I don't remember when, to get information to enable us to carry on this work; I do not know what he did with item of \$25 August 26; he may have drawn it for me or expended it himself under my direction; he was authorized to sign my name to checks.	655, 661, 664, 700
Second sum of \$1,000, received August 4, I do not remember whether it was handed to me here in Milwaukee or whether it was sent to me by mail; I am inclined to think that I did not see Edmonds at that time. .	689
Services, I tried to keep in touch with situation in Douglas County; I think I went over three or four times to Bayfield, Sawyer, and Washburn Counties entirely on Stephenson's business; I tried to find out who were supporting him; I was looking for men who could get out and do the work and see the people; was disbursing money to those men.	672
Shields, conversation when I handed him \$1,000 check and gave him \$250 out of it, substance of it was I asked him to put in some time in Stephenson campaign and what he thought he would need at that time; he said he ought to have \$250; I believe he got men interested that neither Stephenson, Edmonds, or I could otherwise get; got them interested mostly by talk; men to whom he talked, talked to a great many other people; I do not know how far the money followed the conversation; impossible to trace that money to ultimate consumer. .	667, 668, 669
Shields, is an insurance agent at Superior; has resided there 20 years; I have forgotten for what I paid him \$5 August 14; I remember his coming and asking me for \$5; never engaged in detective business to my knowledge, except he may have been a deputy sheriff at one time; he is the same Shields referred to in the Lorimer case; he was supporting Stephenson and had some of this money to be used for electioneering purposes; \$5 given him for that purpose.	659, 660
Shields, item of \$250 without date was paid to him out of first check for \$1,000 received from Edmonds; when I got that check, I indorsed it to Shields and he gave me his check, as I remember, for \$750; he received the physical thousand-dollar check; I presume he indorsed it after my indorsement; I do not remember who issued that check.	666, 667
Shields, R. J., paid item of \$75 August 25 for electioneering; I know that some members of the Catholic Church were active after I gave him the money that were not before; paid total of \$330; I did not ask him for itemized statement; I do not know for what he expended it.	663, 667, 671
Statement, presented to the joint investigating committee of the legislature, showing disbursement of \$5,000, so far as I was able to at that time give; kept unexpended balance for my own services; I made this statement up after I had been subpoenaed to appear before the joint investigating committee at Madison; it was made up from the checks and not an account that I kept at the time of making the disbursements. .	654, 657, 658
Statute with regard to filing an account, I presume I had heard of it; I do not remember ever to have read it; nothing was said to me about furnishing data from which to make up an account; I expected Stephenson to account under that statute in just the way that it has been interpreted by all the candidates for all of the offices that I have known anything about since the statute was passed; I do not think the law was intended to be evaded.	684, 685
Stephenson, could not know how I was disbursing money unless I advised him; I presume about time of close of primary I could have advised him how money was disbursed, but at any time after that I could not.	684
Stephenson, I felt that I was responsible to him for the expenditure of the money he put in my hands; I think I was selected to exercise an independent judgment upon the manner in which his candidacy should be furthered in that particular.	671
Stephenson, was not very well acquainted with him prior to his election to the Senate the first time; I had known of him for a great many years. .	653, 676
Sum of \$3,000, learned I would receive it about the time it was paid; got information from Edmonds in Milwaukee, orally.	689
Sum of \$5,000, perhaps three-fifths of it I drew out in shape of cash, put in my pocket and distributed among various persons employed; I should rather guess about \$3,000 dispensed that way.	683

Perrin, Solon L., attorney at law, Superior, Wis., testimony of—Continued.	Page.
Sum of \$5,000 received from Stephenson's manager during campaign; it was paid to me at three different times as I remember; first payment was July 30, \$1,000, either by check or draft from Edmonds; August 4 I received draft for \$1,000 from Edmonds, and on August 15 \$3,000 by check or draft from Edmonds.....	653, 683
Superior, have resided there 16 years.....	652
Telegraph, telephone, and stamp bills, in all about \$45, money was expended solely in interest of Stephenson.....	666
Whitten, T. S., manager of North Wisconsin Lumber & Manufacturing Co., at Hayward, in Sawyer County; paid item of \$250 August 24; he employed men to placard some different parts of the county and to pass out Stephenson cards at primary polls; I do not know that he expended any of money in saloons; did not account to me for expenditures made.....	663, 690
Wilson, J. W., paid item of \$100 August 22, to electioneer for Stephenson in Washburn County; he told me he paid it all out for hiring men to send throughout the county; he was a locomotive engineer; cash item of \$10 August 27, given him to be expended in campaign; did not account to me for expenditures made.....	662, 663, 664, 686, 690
Worrel, James, cash item of \$15 August 31, indorsed by him, I never paid him the money; he cashed that check for somebody.....	665, 666
Pestalozzi, H. R., jeweler, Milwaukee, Wis., testimony of.....	1887
Bartlett, think he was present at the conversation with Edmonds.....	1893, 1894
Bribery of, no one attempted, in the campaign for the election of Senator Stephenson.....	1887, 1888, 1891, 1892
Edmonds, never offered me any money; came to my store and wanted to know if I could not try to catch the Italian vote for Senator Stephenson; in second conversation he wanted me to come to his office; I said I would not.....	1888, 1889, 1890, 1891, 1893, 1894
McGovern, was a supporter of, for United States Senator.....	1887, 1888
Money, Vandersee offered from \$1,000 to \$2,500 if I would support Stephenson.....	1887, 1888, 1891, 1892, 1893
Murphy, Lawrence, told me if I would drop McGovern and work for Stephenson the proposition of Mr. Vandersee (to give him \$1,000 to \$2,500) would stand good.....	1889, 1890, 1891
Vandersee, do not know that he was representing Senator Stephenson or anybody in his interest; told me he was a great friend of Stephenson....	1889, 1892, 1893
Vandersee, told me there was from \$1,000 to \$2,500 in it for me if I would support Stephenson; told him I could not, as I was pledged to McGovern.....	1887, 1888, 1891
Peterson, H. L., Sturgeon Bay, Wis., testimony of.....	1292
Account, did not render one.....	1293
Bills that came in after the primaries were over I paid out of my own pocket; aggregate, \$17, I think.....	1294
Door County, I got a great number of signers for his nomination papers; sent in a large number of nomination papers; made automobile trips through county; employed workers and hired rigs to get voters out to election; employed very few men; do not remember their names; did a big part of canvassing county myself; workers at polls in northern part of county recommended to me by men whom I knew to be good.....	1292, 1293, 1294
Memorandum, kept one of expenditures; after the primaries I destroyed it.....	1293
Stephenson, did not pay any of, money to voters to induce them to vote for him.....	1293, 1294
Stephenson, received \$150 from him to further his interests in 1908 campaign.....	1292
Peterson, Lewis W., hardware dealer, Dorchester, Wis., affidavit of.....	2009, 2023
Leroy, assemblyman of Marinette, informed him day left Madison it would be necessary to be away; he suggested affiant should try to pair with some anti-Stephenson man; affiant spoke to Assemblyman Otto Onstad, from the second district of Dane County, and a pair was accordingly arranged; both signed a blank-printed form of pair, which affiant believes was filed with Chief Clerk C. E. Shaffer, of the assembly.....	2009
Madison, left there morning of February 25, 1909, and returned to his home at Denmark, being called there by the illness of his daughter; did not return until after the 4th of March, being detained by illness of daughter during that time; absent from joint convention for the election of Senator on that account, and for no other reason.....	2009

Peterson, Lewis W., hardware dealer, Dorchester, Wis., affidavit of—Contd.	Page.
Onstad, assemblyman, called up on the evening of March 3 over the long-distance telephone and informed that he was getting restless on account of the continued absence of affiant, fearing he would be criticized by his constituents for not voting; affiant explained his absence necessitated by the continued critical illness of his daughter; whereupon he consented pair should remain until affiant's return to Madison.....	2009
Republican in politics.....	2009
Stephenson, supported him for the senatorship and voted for him on all ballots taken up to and including the 24th of February, 1909.....	2009
Wisconsin Legislature, member of the assembly of, during the senatorial election in January, February, and March, 1909; at that time resided at Denmark, Wis., and represented the second district of Browne County..	2009
Pflughoeft, Werner, farmer, Medford, Wis., affidavit of.	2010
Age, 25 years.....	2010
Campaign committee, received from, \$252; \$100 retained as compensation for services, in accordance with understanding had with committee; about \$150 disbursed for personal expenses.....	2010
Campaign work done in Taylor County during primary contest; devoted about six weeks' time to, traveling in said county, visiting many friends, posting lithographs, and circulating campaign material; was at considerable personal expense for livery hire and automobiles in making trips and for use on election day in Medford; performed services at request of campaign committee at Milwaukee.....	2010
Liquors and cigars, not exceeding \$10 expended for.....	2010
Madison investigation, not called as witness at.....	2010
Medford, resided in, for past seven years.....	2010
Money not disbursed for the purpose of corruptly or unlawfully influencing or bribing any person.....	2010
Polls, men engaged at, were supporters of Stephenson.....	2010
Saloon campaign, did not conduct.....	2010
Statement of expenses, not called upon to furnish itemized; did not keep any.....	2010
Stephenson, supporter of, before employment.....	2010
Taylor County, 12 precincts in; township not containing cities usually has but one voting precinct; is the case generally throughout Wisconsin; townships are usually 6 miles square, and some larger.....	2010
Piper, Herbert J., practicing attorney, Milwaukee, Wis., affidavit of.	2010
Age, 44 years.....	2010
Campaign work done during primary contest in certain parts of Jefferson County; spent at least eight days away from his office; at the request of campaign managers at Milwaukee; instructions received.....	2010, 2011
Compensation for services, expenses in employing men, personal expenditures in traveling, and incidental expenses, received \$200 to be used for; \$100 applied for services; balance expended for livery hire and automobile hire and railway fares, hotel expenses, and for expenses of men to convey voters to polls and men to be at polls.....	2011
Madison investigation, not called as witness in.....	2011
Milwaukee, resided in, for 10 years or more.....	2010
Money not disbursed for the purpose of corruptly or unlawfully influencing or bribing any persons.....	2011
Precincts, work in county covered about seven.....	2011
Statement of expenses, never called upon to furnish an itemized; could have accurately done so at the time.....	2011
Stephenson, supporter of, before engaged to do work.....	2011
Poll workers, affidavits of.....	1693, 2022, 2023, 2083
Pollock, Edward, editor and proprietor of the Teller, Lancaster, Wis., testimony of.	1070
Advertisements, I do not think I published any in the interest of any other candidate during that campaign.....	1089, 1090
Advertising material, I refused to receive it into commercial columns, because it might be favorable to Stephenson; because managers continued to send it, I construed that to be an effort to get support of paper.....	1077, 1086
Blaine, John J., I can not recall that I ever talked with him about matter of charges at all; whatever he got, he got from the paper; I am pretty sure I did not talk with him after he made the charges.....	1087, 1088
Blaine, tenth specific charge by.....	1071

Pollock, Edward, editor and proprietor of the Teller, Lancaster, Wis., testimony of—Continued.

- Bribing, if they knew I was opposed to Stephenson and then offered to pay me for supporting him, I would call that a bribe; I did not report to any officer of the law that I had been offered a bribe. . . . 1076, 1077
- Charge of bribery, substance of, I felt that after I indicated that I was against Stephenson the fact that they continued to send me advertising material to be paid for was an improper way to undertake to get support of paper. . . 1087
- Charges, when made, I am not sure whether I published them or not; saw them at time and knew my name was mentioned in them. . . . 1073
- Editorial support of my paper, there was a long time when we were in doubt whether to concentrate our support on McGovern or Hatton; we wanted to take the one that would be likely to get the most votes to overcome Stephenson; about election time when I went home from Madison, I had about made up my mind to support Hatton; when I got home it was evident to me McGovern would get the most votes; hence my paper in the end came out for McGovern; do not remember in what issue. . . . 1074, 1082, 1083, 1084
- Edmonds, I think had a letter from him; I can not tell positively. . . . 1073, 1074
- Exact facts, I have not tried to retain in my memory; it has passed out of my mind very much as to what transpired, until the other day when I got the subpoena; and as I was quite sick at the time I could not look up anything; my clerk looked over files of paper, but I could not look them over myself; the little that one of the clerks read over to me refreshed my memory. . . . 1072
- Hatton, was generally called a "half-breed" 1074
- Letters, containing offers from Stephenson's managers, I hardly think I have any of them; I think all the proposals came by letter; I do not know from whom; can not give the name of a person that wrote a letter or sent material; hardly think files of paper would enable me to state who wrote them; do not think I can find letters. . . . 1072, 1073, 1078, 1079
- Letters, I do not think I sent any to Stephenson headquarters after the one I sent them when they asked me to circulate the nomination papers; did not keep carbon copy of; wrote them only one. . . . 1088, 1089
- McGovern, when I voted I supported him. . . . 1074
- Madison, I was there during investigation of legislature as State treasury agent and I was never called upon. . . . 1078
- Money, by whom offered, I can not now remember anything but that they were Stephenson managers; I could have told the names then; I do not remember giving in any publication the names of the persons making the offers. . . . 1075
- Money, I did not receive any for support of Stephenson. . . . 1071
- Nomination papers, first communication I had from Stephenson managers was their blanks and papers, asking me to circulate them; I did not do it. . . . 1073, 1081
- Plate matter sent by mail, I suppose I was sometimes at office and sometimes not when it was received; think it came as many as three times; do not keep any plate matter sent; do not think I replied to this matter for Stephenson; can not tell of what character it was; I take it for granted that we were requested to publish it. . . . 1078, 1080, 1081, 1084, 1085, 1088
- Pollock, Byrne, my son, had charge of the paper in my absence then; have not talked with him with reference to whether or not Stephenson correspondence had been preserved. . . . 1081, 1088
- Specific charge, I am not trying to sustain it particularly; I can not tell now without looking over the paper whether I made any reference to the truth or falsity of it; I never made statement it was not true. . . . 1075
- State treasury agent at Madison at time articles from Stephenson's manager received; I was not home and would know nothing of it until I would go home, in many cases. . . . 1072
- Stephenson, I do not think I had a letter from him in regard to matter; I was not a supporter of him. . . . 1073
- Stephenson managers, made propositions to me for publishing in my paper; advertisements, and I think articles sent, that is, to take the place of editorials; I understood it was to be paid for; I do not think there was any sum named; but it would be reasonable to expect my regular prices for advertising—something of that kind; I do not know whether they proposed to pay for support or for advertising. . . . 1071, 1076, 1086

Pollock, Edward, editor and proprietor of the Teller, Lancaster, Wis., testimony of—Continued.	
Stephenson, my paper supported him in 1907; it did not change during that campaign; it was against him when he came up again; it came out against him from the first in campaign of 1908.	1082
Stephenson, was carrying a partisan warfare in paper against him; I did not look for anything favorable about him to publish.	1077
Stephenson's 1908 campaign, participated in only through paper.	1071
Teller, have published it past 28 years.	1071
Teller, I spoke out strongly to the effect that efforts were made to secure its support from Stephenson's managers.	1075
Written and printed matter came to be set up, other than plate matter, for Stephenson; can not tell how many times; can not describe its character; I do not remember whether anything was said about where it was to be inserted in the paper.	1085, 1086
Pomerene, Senator Atlee, and Senator George Sutherland, views of.	xxvii
Powell, W. W., newspaper man, Kalamazoo, Mich., testimony of.	1583
Domachowski, Pearson told me of the offer of \$1,500 to, in the presence of Everett and Watrous; in answer to my question he said, "Well, yes, I was approached;" said by a friend; did not say who; seemed to be very much in earnest.	1583, 1584, 1585
Everett, Winter, heard the conversation with Domachowski as to the offer of \$1,500.	1583, 1584, 1585
Pearson, Senator, informed me that Domachowski had told him that he had been offered \$1,500 if he would walk out.	1583, 1584
Watrous, Paul J., heard the conversation with Domachowski as to the offer of \$1,500.	1583, 1584, 1585
President of the United States, adjournment on account of visit of, to Milwaukee.	1884
Primary campaign, discussion as to going into.	7-23, 32-36
Puelicher, J. H., cashier of Marshall & Ilsley Bank, Milwaukee, Wis., testimony of.	128
Account with Stephenson not opened up in the bank because he never requested or authorized it; we had these amounts from him for investment, and I continued the account just as it had been run before.	133, 134
Accounts, Stephenson did not instruct me as to the method of keeping.	132
Balance of \$3,316.28 remaining in my hands from total of \$101,400 in campaign fund was paid over to Stephenson at the time of final settlement, about March 6, 1909.	135, 136
Bank records, there are in the bank to-day the original orders for cashier's checks or drafts with which the managers paid the expenses of the campaign; there are the stub books giving the numbers, amounts, payees, and dates; there are the register records of drafts and cashier's checks, and cashier's checks themselves, giving date, number, amount, payee, and all the indorsements.	132
Banking method in regard to campaign fund; I rather think that the method adopted by the managers in buying cashier's checks for the payment of their expenses, which would leave permanent records in the bank, was a rather good way of handling it; have no transaction of that magnitude since that time; method not used since, as no like occasion has arisen; to my knowledge, we never before conducted any campaign through the bank.	134, 135
Campaign fund, there were times when the fund was very low and practically exhausted.	130
Campaign funds in bank, were in charge of some of the officers of the bank or the paying teller.	134
Custodian of campaign fund, independent of my connection with bank; did not represent bank in any of transactions with reference to fund.	128
Duties as custodian, entered upon them before Edmonds became manager.	131
Duties in campaign, were merely incidental; I continued my employment at the bank during the whole period and was gone on a vacation a portion of the time.	133
Illegal expenditures, nothing was said to me in way of caution by Stephenson.	132
Items in account filed with legislative committee were numbered after the campaign and during the investigation at request of the committee; numbers were taken from the cashier's checks or drafts that were used in payment of the items and that are on file in the bank; numbers of cashier's checks follow consecutively in books of bank.	133

Puelicher, J. H., cashier of Marshall & Ilsley Bank, Milwaukee, Wis., testimony of—Continued.	
Marshall & Ilsley Bank, cashier of, for four or five years.....	128
Money, deposited with me, paid it out upon the order of the campaign manager as directed by Stephenson; none paid out without written authority; orders for, turned back to Sacket, office manager, against his receipt to enable him to make up his statement; there is a voucher for each item; no general form for vouchers, which were not numbered, but dated.....	130, 133, 134, 135
Money, I was instructed to pay it out on the order either of Stephenson, Sacket, the office manager, or Edmonds, general manager.....	132
Record of transactions for Stephenson, I kept an absolute record in a memorandum form, as I received the deposits, which I furnished Stephenson later; the checks were also there and held the requisitions on me as evidence of the amount which I had disbursed; did not have an account of it in my bank books; memorandum was an individual matter of my own; surrendered it to office manager, Sacket, some time in October or November, 1908, when I took his receipt for total I had disbursed....	132, 136
Sacket, paid out campaign money to his order before Edmonds became manager.....	131
Stephenson, as depositor of Marshall & Ilsley Bank and having funds in bank, asked me to become custodian of a certain fund which he wished to disburse in this campaign to meet the expenses of the primary.....	128, 130
Stephenson, first talked to me about acting as banker of his funds late in June, 1908; said he had \$50,000 in Marshall & Ilsley Bank, a part or all of which he might want to use in his primary campaign, and asked me to disburse it on the order of his managers, which I did; at that time general manager had not been selected, but Mr. Sacket, office manager, had.....	131, 132
Sum of \$50,000, Stephenson had no check with Marshall & Ilsley Bank; we occasionally made investments for him and this \$50,000 remained in the hands of the bank as the result of an investment, waiting for orders from Stephenson; three checks, two amounting to \$10,000 each and one of \$30,000, exhausted that fund during campaign; does not represent an additional fund to what expended by me.....	129, 130
Sum of \$50,000, was evidenced by a cashier's check to order of bank, and Stephenson was advised that the amount had been collected and that we were holding it at his disposal, we expecting shortly to reinvest it for him, as we have carried sums for him in that manner; did not send the certificate to him; when two payments of \$10,000 and one of \$30,000 were made he drew a check on that sum and the bank considered it an order, although he was not authorized to check on it, and a new certificate would be issued minus the amount he ordered out.....	131, 133, 134
Sum of \$98,083.72 was amount expended in campaign.....	136
Sum of \$101,400, received by me as custodian of Stephenson campaign fund; amounts included in, when, and from whom received, in detail; had no other funds deposited with me for use in primary campaign.....	129
Use to which money was put, had no knowledge of; simply acted as banker; Edmunds and Sacket only consulted me when they needed money.....	130
Purtell, Thomas M., State fire marshal, Madison, Wis., testimony of.....	1201
Appointed fire marshal by governor a little over four years ago.....	1201
Cleary, W. H., Spooner, gave him \$50 to work for Stephenson.....	1202
Doar, J., Cumberland, gave him \$40 to work for Stephenson.....	1202
Edmonds, wanted to know if I would do some work for him; told him I was not doing any political work; then he asked me to give him the names of some parties up north who would do some work for him; I gave him a list of names, and that was all that was said at that time.....	1201
Fahy, William, Glenwood, paid him \$15 to see his friends and get them to polls and interest them in Stephenson.....	1202
Madison, have resided there 17 years.....	1201
Milwaukee, there on business one day and went around to the different headquarters of all the senatorial candidates.....	1201
Money, men to whom I paid it did not account for; did not ask them to..	1203
Money, none disbursed by me or, as far as I know, by men to whom I paid it, for purpose of bribing or corruptly influencing electors.....	1203

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Purtell, Thomas M., State fire marshal, Madison, Wis., testimony of—Continued.	
Mulvaney, Thomas, Wilson, gave him \$30 two weeks, I think, before the primaries; he is a farmer in St. Croix County, and the instructions were to go out and see his friends all over the county and to have them get out to polls and to interest them in Stephenson.....	1202
Oakes, Leon, Woodville, gave him \$40 to see his friends, get them to polls, and interest them in Stephenson.....	1202
Sacket, received \$175 from some time in August; sent me a draft a week or 10 days after my visit to Chicago and asked me to distribute it to parties I thought would do work for Stephenson.....	1201
Sacket, reported to him the people to whom I had paid money and the amounts paid; did not state purpose for which I had given it to them....	1203
Stephenson campaign of 1908, participated in very little.....	1201
Sum of \$175, I gave it to other people to have them distribute it to people that would do work for Stephenson.....	1201

Q.

Quarles, Judge, adjournment as mark of respect on account of death of.....	487
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R.

Ramsey, Thomas F., deceased, testimony of, given before joint investigating committee of the Legislature of Wisconsin.....	2113
Assembly, March 4, think I left there about a quarter to 12; believe it was immediately after it adjourned its regular proceedings.....	2115
Brown, Neal, only party meeting I attended was when he was present; he virtually released the Democrats from their pledge to support him; said he had received all the honor they could give him in the party, and if the party could receive any benefit from it, they could go in a body to some one.....	2115
Campaign expenses, think I filed a statement of \$254; included primary and election.....	2113
Charge made on floor of assembly by Leuch and Zimmerman that they had some knowledge of corruption and something about a \$1,500 offer; I heard those remarks; do not know anything about that.....	2116
Democrat, have always been.....	2113
Fenelon, James:	
Believe he answered to first few roll calls when I was in assembly; don't think he answered to roll call during the senatorial election; papers always had him quoted as a Stephenson man.....	2115
Believe he is a Republican.....	2114
Haven't heard of him lately; understood he was improving; don't know whether he has attended legislature.....	2115, 2117
His telegram from Ripon, March 4, asking me to pair with him, received 11.06 a. m.; never occurred to me it was not genuine; have not received any information that would lead me to think that he did not authorize sending of it; thought some one might have have seen him in regard to it; do not know whether anyone sent it for him.....	2114, 2115, 2116, 2117
My telegram to him March 4, 1909, stating I granted his request to pair on United States Senator; went over to telegraph office and sent it before half past 11.....	2114, 2115
Hughes, John, had quite a lively discussion with him about fact I had received telegram from Fenelon; he did not say anything that made me regret having received it; he and Kneen, I think, on March 3 urged me to leave the chamber with the triple alliance—a combination of Social Democrats, one of the factions of the Republicans, and alleged Democrats; did not violate any agreement with him when I went out day Stephenson was elected.....	2117, 2118
Husting, in going out of assembly, I met him in hall and he asked me if I was going to leave them, and I said I thought I was; he didn't say anything, but he grunted.....	2118
Husting, Senator, think one evening I had a chat with in regard to senatorial question; told him I didn't care who was elected; don't think I discussed with him fact I received telegram from Fenelon.....	2116, 2117

Ramsey, Thomas F., deceased, testimony given before joint investigating committee of the Legislature of Wisconsin—Continued.

Inducement, did not receive any financial or otherwise from anyone purporting to speak for Stephenson or otherwise to leave assembly chamber March 4; no proposition made to me directly or indirectly to influence my vote or to stay away	2116
Lush, Charlie, never discussed fact that I had received telegram from Fenelon with him	2117
Member of legislature from sixth assembly district; served four years ago for one term	2113
Milwaukee, born there and lived there all my lifetime	2113
Overbeck, never talked with him only at breakfast table at Avenue Hotel; didn't have any conversation with, but if there were three or four at the table there was a general discussion on senator business; did not have any conversation with him or see him March 4; did not discuss fact that I received telegram from Fenelon with him	2115, 2117
Pairing, understood by that that if I paired with him (Fenelon) I was to walk out and not vote on United States Senator at all	2115
Senatorial contest in legislature this session, I voted for Democratic candidate every time I was here, excepting day Stephenson was elected; absent from sessions four or five times; reasons for; absent March 4, day Stephenson was elected, because I got a telegram from Fenelon, Ripon, asking me if I would pair with him, and I sent a reply that I granted his request, so I kept my pledge	2114, 2116
Senatorial contest in my party, took no part in, in Milwaukee, except voted for Hoyt, and if anyone asked me for advice I advised them to vote for Hoyt; did not handle a cent for any of the candidates	2113
Senatorial situation, did not talk with anyone who purported to be interested in Stephenson campaign, who was not a member of legislature, with reference to	2115
Stephenson, as a result of my not being present when he was elected, I have not or any friend has not received any benefit	2116
Stephenson, when I discovered he was elected I did not regret that I had paired; know him to see him: if a Republican had to be elected I think I would favor him more than any other; think he was entitled to it for what he had done for Republican Party and he was nominee of the primary	2116, 2118
Telegram from Fenelon, no one told me I was going to get it; no one that I know of knew that I had received it at time I left assembly	2117
Wayland, don't knew him; did not discuss with him telegram from Fenelon	2115, 2117
White, did not have a conversation with him in reference to senatorial situation; did not discuss fact that I had received telegram from Fenelon with him	2115, 2117
Wilmot, Henry M., ran against me in primary election; beat him by five hundred and something	2113
Yockey, Chauncey W., Republican, was my opponent in the general election	2113
"Red box," list of bills and receipts found in, referred to in testimony of Sacket	2119-2124
Reed, Roy E., attorney, Ripon, Wis., testimony of	1926
Crawford, received \$125 from for disbursement in Stephenson campaign ..	1929
Disbursements, list of in Stephenson primary campaign; items in explained; sums in paid for securing workers to help get out vote and to get some checkers at polls	1930, 1931
Fenelon, James, so far as I know have been his attorney for last four or five years; should regard it dangerous (owing to his illness) to have him come to Madison	1932
Fenelon, James, telegram from to Ramsey, I wrote it myself; it was my own phrasing	1928
Fenelon, Representative James, last conversation with, that I remember particulars of was recently, when he was subpoenaed to appear here; said there was no use in his going; that I knew his physical condition and that I knew more about it than he did; that I could tell the committee whatever there was to it; I did not go into the details	1928
Fenelon, William, affidavit of in regard to his telephoning me that James Fenelon said it would be all right to wire Ramsey and ask for the pair ..	1929

Reed, Roy E., attorney, Ripon, Wis., testimony of—Continued.

Fenelon, William, nephew of James Fenelon, when I called up Fenelon's house he answered; I stated to him what Overbeck had said and then he said he would ask Fenelon; I held the line and he came back and said it would be all right to wire in Fenelon's name for the pair to Ramsey; that was some time about 9 or 10 in the morning (Mar. 4, 1909); saw him that afternoon and told him of result of message.....	1927, 1928
Money, none paid out by me, or as far as I know by those to whom I disbursed it, for purpose of bribing or corruptly influencing electors.....	1931
Overbeck, Henry, Madison, received a telephone message from him between 8 and 8.30 morning of March 4, 1909, asking me if I thought Fenelon would pair with Ramsey on senatorial question; I told him I thought he would; he asked me to find out and if so to send a wire for the pair.....	1927
Overbeck, I did not know him except by reputation, so took some time to find out his position on senatorial question before I sent the telegram; asked several people and then sent wire as it is given there; at same time sent him a telegram saying I had sent the telegram (to Ramsey); about 11 o'clock that day received a phone from him asking what arrangement had been made in regard to the pair and I told him I had sent the wire..	1927
Ramsey, telegram from, until June 10, 1910, I had the original reply; had occasion to write Stephenson on an entirely different matter at that time and I sent it to him; found copy of a telegram in my letter file other day (reads telegram).....	1927, 1928
Ramsey, Thomas, met him this last winter; prior to that did not know him; sent him a telegram on 4th of March, 1909, at request of Fenelon; have not a copy of it, but it appears in record (reads it from record).....	1926, 1927
Ramsey, when I delivered the message for, at telegraph office at Ripon, I asked them to deliver any reply that might come to me, and I paid the charge at that time; after that, think it was immediately after dinner, they delivered the reply from him, which appears in record.....	1927
Stephenson, copy of letter I wrote him inclosing telegram from Ramsey...	1927
Thayer, L. W., received \$20 from; he testified the other day it was \$10, but it was \$20.....	1929
Total amount I received was \$145 and I disbursed \$152; have not been paid the difference.....	1931
Reese, John M., president of the Dodgeville Chronicle, weekly newspaper, and president of the First National Bank of Dodgeville, Dodgeville, Wis., affidavit of.....	2011
Age, 42 years.....	2011
Campaign headquarters, received from, \$150.....	2012
Chronicle carried special advertising matter in the interest of Stephenson; caused 3,000 extra copies to be mailed to practically all the voters of Iowa County; received for such work \$100; payment of money in no way influenced the policy of said paper; was simply compensation for said work.....	2011
Iowa County, resided in for past 42 years.....	2011
Madison investigation, not called as witness in.....	2012
Money not disbursed for the purpose of corruptly or unlawfully influencing or bribing any person.....	2012
Precinct workers, employed; hired teams and drivers for purpose of conveying voters to polls on primary day at expense of \$50; no one employed who was not at the time a Stephenson supporter.....	2011
Statement of expenditures, never called upon to furnish itemized.....	2012
Stephenson, supporter of in primary campaign.....	2011
Work done in campaign in accordance with usual custom of campaigning in that vicinity.....	2012
Regan, M. J., real estate, Milwaukee, Wis., testimony of.....	1674, 1695
Absence of members, never discussed subject with Shields; never suggested the subject at any time.....	1680, 1681, 1682, 1697, 1698
Aylward, said O'Connor was the first man who told him of the Wagner story.....	1682
Black, Wood said he might get money from, by agreeing to keep out certain evidence; I reported my conversation with Wood.....	1684, 1685
Farrell, never discussed question of securing absence of, with Shields; think Shields said he had heard something about him (Farrell) disputing with Democratic members about running out when they were called.....	1680, 1697, 1698

Regan, M. J., real estate, Milwaukee, Wis., testimony of—Continued.	Page.
Farrell, talked with him about the Stephenson case at the Plankinton Hotel.....	1685, 1686
Farrell, was said to be present when it was alleged I had given Towne, Ramsey, and Farrell \$35,000 at the Plankinton Hotel.....	1687
Husting, think he should have investigated the Wagner story more fully before putting him on the stand.....	1707, 1708
McNally, think he said, "Why don't the Democrats get up in a body and walk out, and let those fellows fight their own battles out there;" think I agreed that would be a good plan.....	1682
Marsh, think he should have investigated the Wagner story more fully before putting him on the stand.....	1707, 1708
Mason, district attorney of Dane County, refused to subpoena O'Connor in the Wagner case.....	1678
Miner, said O'Connor was the first man who told him of the Wagner story; told me he had paid expenses of a man to go to see O'Connor and see the photograph, but did not see it.....	1678, 1682, 1783
Money, Shields did not tell me he had authority to get or use for the purpose of aiding in Stephenson's election.....	1680, 1704
Morris, absence of, from investigating committee.....	1707, 1708, 1709, 1710
Morris, testified under oath that the committee had possession of Wagner's testimony about a month before Wagner was put on the stand.....	1710
Morris, would like to modify my testimony concerning.....	1707, 1708
O'Connor, told me he had a flash photograph of the fellows that lined up that deal (as to Wagner's story) in the Plankinton Hotel; Wagner was in the habit of going to his office.....	1678, 1682, 1683
Offices and positions held.....	1674
Puelicher, never saw him until he came into the court during Wagner's trial.....	1686
Puelicher, was said to be present when it was alleged I had given Towne, Ramsey, and Farrell \$35,000 at the Plankinton Hotel.....	1687
Ramsey, do not think I talked with, while he was in the legislature; other conversation with.....	1686
Ramsey, never discussed question of securing absence of, with Shields; did not talk about, with Shields.....	1680, 1697, 1698, 1699
Ramsey, was said to be present when it was alleged I had given Towne, Ramsey, and Farrell \$35,000 at the Plankinton Hotel.....	1687
Ryan, consulted him with reference to the Wagner story; had been started by, to get evidence as to Wagner's story; probably talked to, about Shields; talked to, about the telegrams after they were stolen; left no papers with, in the Wagner matter.....	1676, 1682, 1683, 1699, 1705
Ryan, first consulted him about the Wagner story on 5th or 6th of May, 1909, I think; did not tell him about telegrams then; think we talked about Shields's conversation with me.....	1706, 1707
Ryan, has been my counsel since 1882, was a man of high character.....	1709
Shields, R. J.:	
Conversation with, as to election of Senator Stephenson; never told me he had authority to get or use money for aiding in Stephenson's election, nor of securing absence or presence of members; was favorable to Stephenson's election; did not leave town for fear of being seen with.....	1680, 1681, 1682, 1695, 1696, 1697, 1699, 1700
Do not know date of first telegram of, but think it was 10 or 12 days before March 4.....	1695, 1696
Never discussed question of securing absence of Farrell, Towne, or Ramsey with.....	1680, 1697
Never said anything to me about being in Washington.....	1697
Received two telegrams from, in February, 1909, asking me to meet him at the Pfister Hotel; had conversation with, there mainly about some cut-over lands, and also the contest at Madison; probably talked with Ryan about; do not think telegram was sent from Washington; think second telegram was sent from Madison.....	1679, 1680, 1681, 1696, 1697, 1699, 1700, 1701, 1702, 1703
Souther, did not meet Wood in office of, in 1909, not till 1910; conversation with, in his office, not exactly as he testified to; told him his testimony was not true.....	1675, 1678, 1679, 1684, 1685
Souther, do not think he is a bad man; I think he himself believed what he said.....	1685, 1704

Regan, M. J., real estate, Milwaukee, Wis., testimony of—Continued.	Page
Souther, talked with me about the Wagner story and the telegrams from Shields; no reason why I should not talk with him about the telegrams.	1703, 1704, 1705, 1706
Souther, meeting with him and Wood was on April 1.....	1688
Towne, did not see, during the session that elected Senator Stephenson...	1685
Towne, had never seen him until I sent for him at Madison; spoke to him about the story of my giving him part of \$35,000 at the Plankinton Hotel on February 20, 1909; details of story.....	1686, 1687, 1688
Towne, never discussed question of securing absence of, with Shields; did not talk about, with Shields.....	1670, 1680, 1697, 1698, 1699
Wagner, story of, absolutely false from start to finish.....	1683
Wagner, talked with Wood and Souther about; told Wood he had no corroborating evidence back of his story, that it better be investigated before he was put on the stand; Wood thought he stole two telegrams from my desk; letter from, to Wood; tried to secure indictment of.....	1675, 1676, 1677, 1678, 1682, 1683, 1684, 1689, 1703, 1704, 1705
Wood, Harry W.:	
Came to my house to talk about Frank Wagner, in February, 1910; told me he thought he could learn from Wagner who were back of the frame up of the Wagner story; said he thought Wagner had stolen two telegrams from my desk.....	1674, 1675, 1676, 1677, 1695, 1696, 1703, 1704, 1705
Conversation with, in Souther's office, not exactly as he testified to; told him his testimony was not true.....	1678, 1679, 1684, 1685
Meeting with him and Souther was on April 1; arranged with, at that meeting for him to go and see Wagner.....	1688, 1689
No reason why I should not talk with him about the telegrams; do not think I did talk with him about them.....	1705, 1706
Said he and Souther had agreed to testify that I had stated to them that Shields came with money to bribe the legislators; said he might be able to hold up the Stephenson crowd for money by withholding his testimony as to these alleged occurrences.....	1684, 1685
Reinold, Fred W., insurance agent, Kenosha, Wis., affidavit of.	2012
Age, 48 years.....	2012
Campaign headquarters at Milwaukee, received from, \$161.05.....	2012
Campaign work done in primary contest, in city and county of Kenosha, during primary contest, at request of campaign managers at Milwaukee, who requested him to look after Stephenson's interest, by circulating, distributing, and posting up his literature and lithographs, and obtaining list of names, also in advocating and promoting political interests of Stephenson; legitimate expenses would be paid and a reasonable compensation for services; engaged in work about six weeks; instructed to incur only legitimate expenses.....	2012, 2013
Kenosha, resided in, for past 48 years.....	2012
Madison investigation, not called as witness at.....	2013
Money not disbursed for the purpose of corruptly or unlawfully influencing or bribing any person.....	2013
Personal expenses, expended about \$100 for.....	2012
Poll workers, \$50, included in personal expense expenditure of \$100, expended for services of; instructions given to; unable to give names of; recalls two; not employed unless supporters of Stephenson at the time of employment.....	2012
Saloon campaign, instructed by campaign committee not to conduct.....	2013
Services, balance of \$161.05, not covered by expenditure of \$100 for personal expenses and poll workers, retained as compensation for time devoted to campaign.....	2012
Statement of expenditures, never called upon to furnish an itemized; made statement in aggregate and received checks for.....	2013
Stephenson, supporter of before he promised to do any political work for..	2012
Report of full committee to the Senate.....	vii
Report of subcommittee to the full committee.....	vii
Report submitted to Wisconsin Legislature on March 18 came with papers from governor of Wisconsin to the United States Senate.....	322, 323
Resolution of United States Senate authorizing investigation of election of Senator Stephenson.....	3
Resolution (No. 58) of Wisconsin Legislature, relating to investigation of the primary and general election of 1908 and the election of United States Senator in 1909.....	2, 3

Reynolds, Thomas, member of Wisconsin Assembly from Door County, 1908 and 1909, testimony of	1235, 1258
Blaine, Senator, did not have a word of conversation with him relative to payment of money by Stephenson to me, prior to time he filed his charges.	1258
Door County, men there all know Stephenson and what he did for people there when they were poor; no occasion to spend a cent for him there, if I had had the time; I was first farmer ever elected there and I proposed to get a State park there; how Stephenson helped me; that was during legislature of 1907.	1246, 1248
Edmonds, received a \$100 check from; after the primary, I think; I had been nominated then; he was chairman of the State Republican central committee; he said Overbeck advised him to send it to me; I understood it was out of State central committee funds; Stephenson told me afterwards that he told him to send it to me; used it for promotion of election of Republican ticket.	1241, 1242, 1243, 1244, 1246
Expense account filed with joint investigating committee, given; items of explained.	1245
Hired a man to work in my place when I was out in county; kept him 26 days; called it \$2 a day—\$1.50 and board.	1236, 1238
Joint investigating committee, I told those people at Madison just whatever came into my mind, to let them know how little I thought about them.	1245
Kindlin, George, that I know of I did not tell him I saved \$100 out of the Stephenson money; he says I did; I would not tell him the truth anyway; he was a busybody.	1239
Letter to Milwaukee Free Press, printed in issue of February 28, 1908, coming out in favor of Stephenson as candidate for United States Senate, given; I was author of it.	1247
Liquors and cigars, estimated I spent about \$10 for, out of Stephenson's money.	1245
Livery bill, I think, would be included in \$51.50 unaccounted for before former committee.	1239
Member of general assembly that elected Stephenson, I was nominated and elected as; voted for Stephenson as.	1244
Money, never thought of impropriety of receiving it from a candidate for United States Senate, who I might have to vote on if elected.	1239
Money, none spent by me in interest of Stephenson for bribing or corruptly influencing voters.	1246
Money received from Stephenson, did not spend any of it campaigning for myself.	1239, 1246
Nomination papers, circulated Stephenson's; did not circulate my own; friends circulated them; paid \$1.50 to a man I hired to circulate Stephenson's; he spent one day at it and gave it up; I spent about 28 days at it; think I commenced some time in last part of June; had not announced my own candidacy then.	1238, 1245
Primary election, took up with Stephenson because he helped advance cause of; changed my opinion about its being a great institution four years ago when I saw the cold ingratitude of man Stephenson helped so long.	1240
Reynolds, T. F., mentioned in Edmonds account is another man.	1242
Stephenson, have admired him for over 45 years; would have supported him in absence of receiving anything.	1240, 1247
Stephenson, met him on a boat and received \$80 from him, I think before July 20; it was sometime after I circulated his nomination papers; received \$100 in currency from him in a registered letter from Marinette about middle of July; was not a candidate for legislature then, but expected to be.	1236, 1238, 1239, 1240, 1241, 1242
Stephenson, supported and voted for him in legislature of 1907.	1249
Stephenson, traveled through county in all directions, advising farmers that it was their duty to nominate such a man.	1238
Reynolds, Thomas F., banker, Oconto Falls, Wis., affidavit of	2013
Age, 43 years.	2013
Campaign work at Oconto Falls and Oconto County during primary contest; services voluntary, received no instructions, except informed by Edmonds that whatever expenses were incurred Stephenson wanted to pay them, and also desired to pay compensation for time put in, which affiant did not desire, never requested, and did not receive.	2013

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Reynolds, Thomas F., banker, Oconto Falls, Wis., affidavit of—Continued.	
Headquarters at Milwaukee, received \$200 from, for purpose of paying campaign expenses in Oconto County.....	2013
Money not disbursed for purpose of corruptly or unlawfully influencing or bribing any person.....	2013
Oconto County, about 13 precincts in.....	2013
Oconto Falls, resided in about 29 years past.....	2013
Oconto Falls Herald, paid to \$100 at request of campaign managers at Milwaukee, to compensate for printing and publishing campaign matter, articles, etc., and for sending copy of paper to every voter in the county..	2013
Personal expenses and expenses of livery hire, \$40 retained for.....	2013
Poll workers, about \$60 expended for; instructions given; none engaged unless they were for Stephenson before their employment; unable to give names of all; recalls three.....	2013
Statement of expenses, never called upon for an itemized.....	2013
Traveled through county by means of liveries.....	2013
Stephenson, supporter of, prior to doing any work for.....	2013
Ring, Merritt C., Neillsville, Wis., testimony of.....	1258
Born in this State.....	1258
Bradford, C. M., I did not give him \$50.....	1261
Business, at present I am a farmer.....	1262
Check for \$500, never received one; I may have had part of the proceeds; I do not know that.....	1267
Clark County newspapers, offer made to Greenwood Gleaner and Loyal Tribune to give them money to support Stephenson.....	1264, 1265
Compensation, did not agree upon what I was to receive.....	1259
Crothers, G. E., did not offer any money to him.....	1268, 1273, 1274
Dee, I can remember paying him \$150; whether that was out of the \$170 I can not say; I think I paid him \$50 and promised to send him \$100 and afterwards sent it to him; first inquired of him whether he had decided what candidate to support; told me he thought Stephenson was the man; he did support Stephenson after that to my satisfaction.....	1260, 1261, 1262, 1265, 1270
Edmonds, received \$170 August 7 from, for purpose of assisting in campaign; I was to spend it in such a way as my judgment indicated; can not specify how I did spend it.....	1259, 1260
Edmonds, received \$800 or \$900 from him during primary campaign; I think all at once; it was fore part of August, I think.....	1258, 1259
Edmonds, some time after primary election wrote me a letter asking what my charges were; told him I would make no charges; I had \$25 left of the money that he had given me before; he sent me \$125 more..	1268, 1270, 1273
Edmonds, statement to, in writing but not itemized; never rendered any statement of items; merely told him I had expended money; was not at any time asked for an account of expenditures.....	1260, 1261, 1268, 1269
McFarland, visited him at Stevens Point to see if I could get the leading Republicans there to support Stephenson as against Cook; did not give him any money.....	1261, 1264, 1267, 1268
Memorandum of expenditures, I kept on a tablet on my desk; whether I had all the items on that I do not know; most expenditures in a form I could easily remember without any reference to memorandum; have not got it now; suppose it went into wastebasket after I had settled up with Edmonds.....	1259, 1268, 1272, 1273
Milwaukee, think I went to, three times.....	1261
Neillsville, Wis., resided there 37 years.....	1258
Payment of \$350 on August 18.....	1260
Public office held, school clerk and a member of both branches of the legislature; was special agent of Agricultural Department in London for a period.....	1262, 1263
Smith, William L., to whom I delivered a check for \$250, was a candidate for the legislature; privately and publicly said in his announcement as a candidate that he was pledged to support no candidate, but would support one who received majority of votes at primary; no purpose of aiding in his campaign as a candidate for legislature... ..	1261, 1263, 1264, 1269, 1270, 1274
Stephenson, circulated nomination papers for him personally in city of Neillsville.....	1268

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Ring, Merritt C., Neillsville, Wis., testimony of—Continued.	
Stephenson, did not pay any person money to vote for him.....	1268, 1273
Stephenson, did not visit him at Marinette during campaign.....	1261
Stephenson campaign in 1908, took something of an active part in; handled a little money; aggregate amount received.....	1258, 1259, 1268, 1269, 1270
Traveled over about four counties and when I met a man who was recommended to me as a good worker I gave him from \$5 to \$15 or \$20; went into Chippewa, Eau Claire, Clark, and Portage Counties and expended very small sums in each one; spent practically all my time in trying to do what I could in interest of Stephenson; explained....	1260, 1270, 1271, 1272
Williamson, gave him \$50 for publishing advertisements and pictures in the Neillsville Times, a weekly paper.....	1266
Riordan, D. E., Eagle River, Wis., testimony of.....	774
Accounted for \$1,200 of this money before legislative committee; have endeavored to account for same amount before this committee; have not added any items to the expenditures; made best effort I could to account for expenditures before joint committee; have not been in the locality where I could make an investigation since for purpose of recalling details.....	785, 786, 788
Antigo Journal, paid them either \$20 or \$25 for printing of sample ballots..	779
Assemblymen, how elected in Wisconsin.....	794
Berg, former game warden and political worker, I did not pay him money and he did no work for me.....	784
Bissell, W. H., of Arbor Vitae, Vilas County, paid money to be used in employing men for distributing ballots in town or precincts of Arbor Vitae; I had to insist on his taking the money; I mention that because he is a lumberman and a friend of Stephenson's.....	779, 780
Campaign, I think a thorough campaign for United States Senate under Wisconsin primary law, could not be made for \$107,000; I think \$200,000 could have been spent legitimately in 1908; other candidates would have had to spend that amount as well to make an effective campaign in same length of time Stephenson had.....	803, 804, 805
Campaign, which I planned and tried to carry through, was one to reach votes in rural districts and not in cities, which was much more expensive because other candidates had been working for months in centers; I gave it practically all of my time from time I accepted management until primary day; I was going over the whole district; did not have time or money to canvass district to ascertain Stephenson Republicans; think preliminary canvass is essential feature of thorough campaign. 788, 790, 792, 793	793
Candidates for the assembly, none employed by me except Everett.....	805
Compensation, I figured that I had between \$450 and \$500 left after I completed the campaign; I kept that for my services.....	786
Connor, Matt, paid him \$40 to put sample ballots in hands of men who would attend polls on election day and work for Stephenson.....	777, 778
Edmonds, did not know about details of my campaign work; I do not think he knew about my arrangements with men; in a general way I reported to him character of campaign I was making.....	789, 790
Edmonds, first entered into an agreement with him to support Stephenson in the latter part of July on North Western train; had then made up my mind to support Stephenson; he said he would send me \$1,000; I had several meetings with him in Milwaukee.....	775
Edmonds, I talked with him about organization in seven counties and with respect to rest of State and we made up our minds there would be no use attempting a preliminary canvass.....	793, 795
Edmonds, said he was giving me the money to take charge of campaign in counties included in northern portion of State, which were Forest, Florence, Langdale, Lincoln, Iron, Oneida, and Vilas; I spent some of aggregate sum in each county, but not very much in two of them.....	776, 788, 790
Everett, of Eagle River, I paid him the largest sum in all, \$250, for traveling through the counties of Vilas, Iron, and Oneida to ascertain the sentiment of the people; made two such trips through the county and reported to me after each one; was proprietor of Everett summer resort; at the time was a candidate for the assembly; I paid him the money by check a day or two before primary election; knew he was a candidate then, I think; he was not elected; he was to vote for candidate who received primary nomination.....	780, 781, 782, 786, 788, 789

Riordan, D. E., Eagle River, Wis., testimony of—Continued.

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Forest County, I paid \$50 to parties at Jillson Hotel at Monico Junction, who came there to meet me, but I am unable to give their names and amounts; paid them same time I paid Jillson \$50; to be used to employ men at polling places across the line in Forest County election day; admonished them not to talk to any elector within 100 feet of the polls..	784
Game wardens; I never gave any money to them or deputy game wardens.	786
Jillson, B. F., keeps hotel at Monico Junction, gave him \$50 for use in getting vote to polls, to influence voters by sample ballot, and to talk to electors within proper distance of polls.....	783
Literature, made arrangements with Edmonds to send matter from place to place; paid men for putting it up, and in many places left something for privilege and trouble of keeping it up, if torn down; I paid out directly that way not less than \$100.....	791, 792
Liquors and cigars, I carried some cigars with me and treated gentlemen with them in discussing the matter, but there was no money given anyone to buy liquor or cigars with; there might have been a drink bought occasionally, but there was no saloon campaign made; I should say not to exceed \$50 altogether was spent for liquor from funds intrusted to me.	804
Lowell, editor of the Rhinelander News North, Rhinelander, Wis., paid him \$20 or \$25 for printing sample ballots, such as were to be used in Oneida County.....	778
Marteau, Frank, runs a newspaper that is printed, I think, in Italian at Hurley, in Iron County; I paid him \$100; \$25 of that was for printing sample ballots on tinted paper; the other \$75 was to be used in picking out men who were voters to attend the polls in different precincts on election day to call attention of voters to Stephenson's qualifications, and to take a sample ballot to booth so as to enable him to properly mark the ballot; was to hire as many men as he could on primary day to perform that service.....	776, 777, 778, 785
Memorandum, I did not keep one at that time; it has never been my custom in spending my own money when I was a candidate to require anyone to account to me for what they expended in my behalf.....	787
Money, I did not pay any person any, directly or indirectly, to secure their support for Stephenson; did not spend any for purpose of corrupting any elector; within my knowledge none was expended by men to whom I intrusted funds for purpose of directly or indirectly bribing or corrupting electors.....	783, 785, 803, 804
Money, I received all of it before direct primary election and after Stephenson announced his candidacy; I expended it in interest of Stephenson's candidacy; I turned over some money to be disbursed on the judgment of others.....	776
Moran, Barney, Pelican, Oneida County, I paid him \$50 to employ as many men as he could to attend polling precincts outside of city of Rhinelander, using sample ballots in advising and instructing voters to vote for Stephenson.....	778
Nomination papers, I did not have men employed to procure names for; if I did take part in that work, there was no charge.....	791
Oberhalzer, former game warden and political worker, I did not pay him money; he did not do any work for me.....	784
O'Connor, George E., Eagle River, Vilas County, paid him \$75 to find out situation in mill towns; was looking for information as to who was for and against the candidates before I did anything in campaign; he had always supported Stephenson; he brought me a list of names; he did not offer the people any inducement for their support.....	782, 783
Political experience, I took an active part in all campaigns from 1894 until 1908, with the exception of 1906; am familiar with methods in vogue in my vicinity; was a member of State senate from 1896 until 1904.....	793, 794
Rogers Printing Co., of Eagle River, I paid them \$25 for printing sample ballots to be used in Vilas County.....	779
State senators, how elected in Wisconsin.....	794
Statement, I made some kind of a one and filed it; it does not seem to be in the record; it was handed to the senatorial committee at Madison, but was not printed in the volume; I do not know whether it was marked by the committee as an exhibit; I handed it, I think, to Senator Morris; I am not certain what it contained.....	779

Riordan, D. E., Eagle River, Wis., testimony of—Continued.

Stephens, D. B., was candidate against Everett for assembly; promised to abide by result of primary in supporting a candidate for United States Senate.....	781
Stephenson, have known him 12 or 14 years; supported him in primary campaign of 1908; did not support him in previous campaign when he was elected to Senate; I made up my mind to support him in case he should be a candidate at time of national convention at Chicago in June, 1908, as result of conferences I had with friends of mine there and because of what had been occurring during past two years; I was not certain at that time that he would be a candidate for reelection.....	774
Stewart, A. D., formerly chairman of the county committee of Langdale County, of Antigo, Wis., a prominent business man in furniture business; I paid him \$185 as a result of a conference with him and other Republicans in Langdale County to be used by him and the others in the employment of men throughout the city of Antigo and some of towns and county precincts in Langdale County to handle sample ballots at polls on primary day.....	778, 779, 785
Sum of \$900 received in two payments of \$400 and \$500 some time after the 20th or 25th of August, sent me by Edmonds; one through A. C. Miller, stenographer and clerk in my office at Ashland, which was either \$400 or \$500; the other through T. I. Laughlin, who had charge of my office at Eagle River.....	776, 805
Sum of \$1,000 sent me by Edmonds by American Express about July 22 or 25; I put it in my safe; I kept it separate from my other moneys.....	775
Sum of \$1,300 sent me Aug. 4; I did not receive it then; it was later than that; I was out and it was some time before I received it.....	776
Sum of \$3,200 received by me; I account for approximately \$1,200 by giving names of persons, retained between \$450 and \$500 for compensation, leaving balance of about \$1,500; of that not much given to other men to expend for Stephenson; how a great deal of it expended for traveling expenses.....	784, 785, 786, 787, 791
Trimble, Frank, Rhinelander, Oneida County, paid him \$60 or \$75 to select as many men as he could to handle sample ballots in different wards in city of Rhinelander.....	778
Viles County, I paid a number of people there sums of \$5 for purpose of attending polling places on election day to handle sample ballots.....	780
Rogers, Edward J., express agent of American Express Co., Dodgeville, Wis., affidavit of.....	2014
Age, 37 years.....	2014
Campaign headquarters in Milwaukee, received from, \$481.79.....	2014
Campaign work in Dodgeville and Iowa County during primary contest, at request of campaign managers at Milwaukee, who gave no instructions except to look after Stephenson's interests and would pay legitimate expense and a reasonable compensation for services; wanted names of Stephenson supporters furnished; instructed also to circulate and keep posted literature; go about county as much as possible and advocate merits of Stephenson, and reasons why he should be elected, and employ poll workers.....	2014
Distributed about \$96 for expense of securing poll list, distributing advertising matter, livery hire, and expense of circulating nomination papers.....	2014
Dodgeville, resided in, for 37 years past.....	2014
Iowa County, 28 precincts in; a large county.....	2014
Money not disbursed for the purpose of corruptly or unlawfully influencing or bribing any person.....	2014
Precinct workers, disbursed \$130 to.....	2014
Precinct workers engaged by Robins and affiant; unable to give accurate names and addresses; not paid large sums individually; instructions to Robins and practice was not to employ any unless they were originally Stephenson supporters; instructions given to.....	2014
Reese, disbursed \$125 to, for special advertising.....	2014
Reese, received \$100 from, in addition to \$481.79 from campaign headquarters.....	2014
Robins, disbursed about \$100 to, for services and expenses and assisting in campaign work.....	2014
Services, retained about \$130 for compensation for.....	2014
Services of affiant and of Robins covered period of about six or seven weeks.....	2014

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Rogers, Edward J., express agent of American Express Co., Dodgeville, Wis., affidavit of—Continued.	
Statement of money disbursed, never called upon for itemized; did not occur to keep an accurate account; regrets did not; did make general report to headquarters, but not in detail.....	2014
Stephenson, supporter of, at time requested to do work; had been prior to that time.....	2014
Traveled over county several times.....	2014
Roll calls in the assembly, March 4, 1909.....	1349, 1350, 1351
Rosenheim, Adolph, saloon keeper, Milwaukee, Wis., testimony of.....	1885
Knell, received \$325 from, for use in primary.....	1885, 1886
Money, received \$325 from Mr. Knell for use in primary; spent it among workers and in saloons; received none for personal compensation.....	1885, 1886, 1887
Worked for Senator Stephenson in 1900; distributed literature for him; employed workers in the primary.....	1885, 1886, 1887
Rowe, Ralph H., produce dealer, Waupaca, Wis., affidavit of.....	2017
Acquaintance wide in said counties.....	2017
Age, 50 years.....	2017
Campaign managers, received \$499.34 from.....	2017
Campaign work in State and Waupaca County and Waushara County during primary contest, covering period of about two months, at request of campaign managers; no instructions excepting told to do what he could by personally interviewing as many people as possible and presenting reasons why Senator should be nominated.....	2017
Madison investigation, not called as witness at.....	2018
Memoranda of disbursements, kept no detailed; relies upon memory.....	2018
Money not disbursed for the purpose of corruptly or unlawfully influencing or bribing any person.....	2018
Personal expenses, expended about \$300 for, in traveling over counties; consisted of cost of conveyances, train fares, hotel bills, and expenses for entertainment, cigars, etc.....	2017, 2018
Saloon campaign, did not make; visited saloons and hotels; occasionally men were treated, irrespective of whether for Stephenson or against; no considerable amount spent for liquors.....	2018
Services, kept \$200 for.....	2018
Sheriff of Waupaca County for two years; also undersheriff for considerable time.....	2017
Statement, never called upon for itemized.....	2018
Stephenson, supporter of prior to interest in campaign.....	2017
Waupaca, resided in about past 30 years.....	2017
Russell, C. H., Berlin, Wis., testimony of.....	1192
Account, I had one of everything of any amount that I paid out at time of expenditures; did not render one to Stephenson or anyone in his behalf; they did not ask for one.....	1198
Age, 70 years.....	1200
Campaign, I had been enthusiastic supporter of primary-election law and when it passed thought there was a chance for a poor man to get an office; started out with about \$1,500 of my own money; soon found I needed more; Col. Lewis and I went to Milwaukee and talked with Sacket; told him I thought with some money I could do good work for myself and Stephenson; so they agreed on this amount of money; Edmonds and Sacket did.....	1196, 1197
Candidate for nomination for Member of Congress from second district in 1908; not nominated.....	1192, 1200
Chief clerk in pension department in State capitol at Madison..	1192, 1199, 1200
Counties, money I had was to be spent in Columbia, Marquette, Dodge, and Adams.....	1197
Lewis, I gave him \$200 first that I had orders from Sacket to give him; then I gave him \$150 more to pay for clerk hire and office rent and some little debts we owed at the end of the campaign; last item included postage and stationery more particularly for my own canvass.....	1198, 1199

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Russell, C. H., Berlin, Wis., testimony of—Continued.	
Money, I received \$700 or \$750 from Stephenson campaign fund in three payments, one of \$200, one of \$350, and I had \$200 more; don't know from whom I received it; was furnished for workers for myself and for Stephenson.....	1192, 1193, 1198
Money, none disbursed by me nor, as far as I know, by parties in whose hands I placed it for purpose of bribing or corruptly influencing electors.....	1199
Nelson, John, represents Madison district in Congress; is a Republican....	1200
Served in First Wisconsin Cavalry for four years; had rank of first lieutenant when I finished service in regiment.....	1194, 1200
Statement of expenditures, known as Exhibit 111 in report of joint legislative committee, given; items in, explained; I made that up just the day before I was called on the stand, in my office at Madison.....	1193, 1194, 1195, 1196
Stephenson, worked in his interest in primary campaign.....	1192
Russell, Charles C., attorney, Milwaukee, Wis., testimony of.....	1833, 1863
Black, received instructions from, which gave to MacLean; no conversation with, about any purpose in keeping removal of papers, etc., from Senator Stephenson; idea in having trunk brought back in case committee should want it.....	1834, 1845, 1847
Box, said to contain papers connected with Stephenson campaign; have never seen; have seen what purports to be its contents, in garret of a shed in rear of C. W. Kates's house in Wells, Mich., October 10, 1911; contents taken to Wells in gunny sacks.....	1833-1835, 1839, 1843, 1844
Cary, Upham & Black; am attorney with; not member of firm; trunk shipped to, from Escanaba on October 10, 1911; letters in trunk arranged in order in office of, under my direction; nothing removed.....	1833, 1836, 1837, 1842, 1843, 1845
Correspondence, nature of; went through bundle of letters to find out, and through all in trunk in general way.....	1840, 1841
Gunny sacks, in which contents of box had been put; took from garret in shed and put contents in trunk; did not examine contents; saw that letters were in files; did not remove any letters..	1834-1836, 1839, 1841, 1842, 1846
Kates, C. W., in whose shed at rear of house gunny sacks had been placed; brought trunk from house, October 10, 1911, and put contents of sacks in; locked trunk and put rope around it; used his automobile to carry trunk to American Express office in Escanaba.....	1834, 1835, 1836, 1846
Letters, in gunny sack were in ordinary pasteboard files; were not alphabetically arranged; in same condition as when reached my office, so far as I know.....	1841, 1842, 1845
Letters, to Mr. Stephenson, dated subsequent to primary election, have knowledge of; other than those in trunk, which may pertain to election; brought from Wells to Milwaukee; were separate from letters in files....	1839, 1840, 1841, 1845
MacLean, correspondence and poll lists taken from his house in suit case to Marinette; from there in gunny sacks to Wells in May, 1909, as per instructions from me; and then back to Marinette again on April 5, 1909.....	1843, 1844, 1845, 1846
MacLean, got bundle of letters from his house at Wells, March, 1909, which kept in private drawer in vault in Wells Building ever since; did not remove any letters from bundle; saw one carbon copy of a letter that might have been in files, and I had picked up by mistake..	1840, 1841, 1842, 1844
MacLean, met in Menominee, Mich., March 4, 1909 (as instructed), across river from Marinette, Wis.; told him to go to offices of Stephenson and get files of letters or papers and take to Wells and take care of them; had telephoned to, previously, to meet me there..	1833, 1834, 1838, 1842, 1844, 1845
MacLean, superintendent of I. Stephenson Co. at Wells, Mich.; told me had gone to Stephenson's office as per instructions, found files on chair; could not carry; too bulky; so removed contents to suit case and they remained in this case until some time later.....	1838, 1839, 1845
Poll lists, in trunk, same as had been in gunny sacks; had seen before in Wells at time I was examining correspondence.....	1843
Receipt, express, of box shipped from headquarters in Milwaukee to Marinette, dated September 5, 1908, found in storage barns of American Express Co.....	1836, 1837

Russell, Charles C., attorney, Milwaukee, Wis., testimony of—Continued.	Page.
Stephenson, Senator, knew nothing about correspondence being carried from Marinette to Wells; was in Washington; no object in keeping it from him; no purpose in moving it.....	1843, 1847
Stringham, Miss, did not see in Marinette; came on train with, from Madison to Milwaukee, March 3; stated to her MacLean would call for this correspondence and to have it ready when he called.....	1833, 1838
Trunk, have seen contents of, since it arrived in Milwaukee; nothing in form of papers removed from, to my knowledge; had charge of in a general way; did not remove any letters from files.....	1837, 1842
Trunk, in which all the contents of gunny sacks had been placed; shipped from Escanaba to Milwaukee; weighed 185 pounds; have not shipping bill of; now contains all of correspondence to the best of my knowledge. .	1835, 1836, 1839, 1843, 1845, 1863, 1864

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Sacket, Rodney, an executive clerk of the United States Senate, Berlin, Wis., testimony of.....	152, 374, 440, 1804, 2063
Account, did not understand the law required me to keep one; did not understand law required me to file one which shall state amount of money and purpose for which paid out.....	162, 163
Accounts in record filed, as complete as kept on card index; copied from cards; names and purposes of expenditures always transferred to; explains more fully than cards.....	500, 522, 523
Accounts, kept as full as I had the time for; did not hire help on as I preferred to keep them myself.....	496
Accounts, when I began work thought of necessity of keeping accounts but did not think it necessary to keep permanent ones.....	477
Advertisement in Milwaukee Free Press, copy of only one I was able to get that contained campaign advertising; is a half-page display similar to one ran in all large daily papers of Milwaukee at same time; inserted on three days preceding election; remember bill for being found among those left at Madison; described and read.....	529, 530, 531
Advertising, recollection of certain items for.....	433, 434, 436
Ames, A. R., recollect paying him \$200 for organizing in Dane County; believe it was in cash; was to keep within the law and render an account; account from left with joint legislative committee, as I recollect; paid \$350, August 8; \$50, August 14; and \$50, August 28, for same purpose as previous payment.....	527, 528, 531, 532, 547, 548
Ames, A. R., testimony shows he received \$450 more than accounted for in Exhibit 49; to best of my knowledge must have covered some item of general expense charged in that exhibit.....	2067
Ashland County item, have no recollection of.....	429
Bancroft, asked Puelicher to make arrangements with him; I did not talk to him with regard to payment of money; Puelicher was to have distinct understanding with him that all money given him by our headquarters was to be used for Stephenson's interests, and none of it was to be used to promote his own campaign; did not provide method by which uses could be separated.....	403, 404, 485, 486, 509
Bancroft, employment of, think Mr. McMahon sent his name to Mr. Edmonds; Edmonds agreed to see him but was called away; I was busy and asked Mr. Puelicher to talk to him; McMahon said he was for Stephenson; talked matter over with Mr. Puelicher, and we did not think it improper. .	408, 409, 485, 486
Bancroft, L., paid \$250 July 31 to promote Stephenson campaign in Richland County; at that time was candidate for assembly from that county; was elected, and was speaker of house; knew he was a candidate when I paid him money; voted for Stephenson for United States Senator in legislature; elected attorney general last fall; voted for Stephenson in 1907.....	401, 402, 403, 485, 509
Beach, J. B., \$150 paid him October 16, which he claimed we owed him in final settlement of account for organizing.....	562
Berg, O. A., have no recollection of item of August 13, \$50 to.....	428
Berlin A. & I. Association, \$150 paid for stock; association was a county fair; think deal was made with man named Edwards from Oshkosh; I ratified it; fact that Stephenson had invested money well known around locality where fair was; not a good stock investment, but not a bad advertising one.....	560, 561

Sacket, Rodney, an executive clerk of the United States Senate, Berlin, Wis., testimony of—Continued.

Bills, accounts, and receipts left with joint committee at Madison; unable to say in all cases which ones itemized.....	492
Bills, have receipts for where service was with regular business houses; business bills and campaign bills distinguished because I demanded strict business rules from business houses that I would not demand of friend campaigning for me.....	452
Bills, none were for services rendered after primary, September 1.....	566
Bowman, Harry, either paid him \$150 or gave the check or cash to Mr. Edmonds to pay him; does not know how money used by; have no recollection of paying him any money at any time.....	164, 430
Bowman, W. A., in testimony says he received \$20 more than shown by Exhibit 49; I can not account for it.....	2067
Box, in which papers connected with campaign were placed, had bills put into and sent up to Stephenson and they were afterwards returned to me; to my knowledge, no memoranda of expenditures was placed in; saw it after it reached Milwaukee in office of Cary, Upham & Black; the box, the trunk, was open, and Mr. Russell asked me if it was our stuff; thought I recognized our things; had never seen them in a trunk before; why I did not explain about when on witness stand before.....	1806, 1809, 1810, 1811
Box, in which papers connected with campaign were placed; presume unused stationery went into; "I did not think there was any correspondence in the box until after I testified (previously)".....	2077
Box, in which papers connected with campaign were placed; told Mr. Lambeck to put fixtures and everything Stephenson might use in his offices into; gave him no instructions to put papers into unless it might have been poll lists; think it was in outer room or in vault being packed when I finally left the offices, shortly after September 1; directed Lambeck to send it to Marinette; Stephenson did not tell me to send it; have no knowledge of papers that went into.....	1804, 1805, 1811, 1812
Bratz, W., paid \$100 August 13 for expenses and possibly some salary in organizing Washington County; do not know how he expended it; if I received expense account from, it was filed with others; item of August 14 was to pay for advertisement he inserted in some paper; item of August 21 for advertising.....	427, 428, 548
Breithaupt, L., think payment of \$660 was for printing of some kind.....	463
Bruderle, paid him \$60 for advertising space in a paper published in Fond du Lac; a German paper, I think; articles set forth Stephenson's qualifications.....	429
Buttons, distributed more than 100,000; bill from Whithead & Hoag Co. on file shows cost.....	430
Calkins, L. A., received \$250 in cash from Edmonds, which appears in Exhibit 49; I can not say just where, but it appears as a general item or part of a general item; do not know what \$210 check is for.....	2068
Calkins made an affidavit in which he stated he had received \$760; Exhibit 49 shows him charged with \$300 in his own name; received \$250 in cash from Edmonds, which appears in Exhibit 49 under the head of "General"; He received a check from E. A. Edmonds on his \$5,000 in National Exchange Bank; that explains discrepancy.....	2084
Campaign, assisted Mr. Edmonds in general management of, at Milwaukee office in 1908.....	152
Campaign, never took personal active part in any except Stephenson.....	494
Campaign, severed connection with October 16 when I settled the final outstanding accounts.....	405
Campaign, we had no information to start with; had no lists; every thing we had by way of addresses we had to accumulate after July 1.....	550, 551
Campaign duties, looked after office business and buying of supplies at Milwaukee headquarters at Wells Building; engaged to perform by Stephenson latter part of June, 1908.....	152
Campaign in Wisconsin, if a man wanted to make a systematic campaign for United States Senate, and get the best possible results, I think it would cost him \$150,000 to \$200,000.....	513
Campaign literature, Hoard letter, and letter sent out with nomination papers in record before joint committee; 15,000 or 20,000 letters sent out with nomination papers; about 150,000 Hoard letters sent out; of 400,000 Republican voters only able to reach 150,000 with literature.....	512

Sacket, Rodney, an executive clerk of the United States Senate, Berlin, Wis., testimony of—Continued.

Candidates for legislature, none except Bancroft, Wellensgard, and Kempf received money in any way from us.....	490
Card index, kept one indicating payment of all moneys; original of destroyed; entries on made by me; represented payment of \$98,083.72; copied before destroyed; expenditures not itemized; reason for destroying; how sundry items entered in and transferred from; cards destroyed from time to time during campaign; presence of original would not throw new light on investigation.....	160, 161, 163, 500, 520, 522, 523, 524, 1806, 1808
Cashier's checks, when procured from bank, we gave them a receipt for the check and a list of names and amounts to whom checks were issued.	556
Check of \$5,000, given me by Stephenson; placed with campaign fund in Marshall and Ilsley bank; dated about August 27.....	166, 475
Checks of bank cashier would show to whom I paid money; never cashed at bank for convenience of anyone.....	162, 168
Cigars, have no recollection of item of \$10.75 paid for; no knowledge of \$4 and \$2 items for August 24.....	465, 469
Cigars, items as published in record showing what was expended for during whole campaign, grouped.....	514, 515, 516
Cigars and liquors, why bills for former itemized and latter not.....	498
Circulating nomination papers, paid various men throughout the State whatever they claimed.....	464, 465
Clerks, had assistance of messenger to Stephenson's committee, Arthur Lambeck, and two stenographers; had as high as 42 girls addressing envelopes.....	154, 448
Copy of statement rendered before committee not correct in all instances; instances given.....	393, 394, 395, 396, 423, 424, 436, 538
Currency, tried not to handle; think I drew about \$5,000 in during campaign; paid for office salaries and expenses; do not recollect of any disbursed to managers except to Mr. Stone.....	168, 524
Daily Jewish Courier, Chicago paper with large circulation among Jewish people of Wisconsin; payment of \$150 to, was for an advertisement.....	552
Dane County, paid \$200 in currency for organizing there.....	169
Dangers, F. W., recollect he was paid \$50 August 20 to put in slides at his moving-picture show to advertise Stephenson.....	548
Dart, G. W., had no personal knowledge of; had no dealing with....	378, 380, 509
Dart, G. W., procured check for \$400 on Marshall and Ilsley bank, signed by some officer, probably on order of Mr. Edmonds; does not know how money used by.....	164
Deidrich, Peter, have no recollection of item of \$50, August 21; the word "receipt" in statement would indicate I had filed it with joint committee.....	429
Dettmann, G., have no recollection of any payments to.....	423
Dinners, when we kept the 42 girls in office working at night, I gave the lady in charge money to buy their dinners with.....	466
Disbursements of \$98,083.72, summary of statement of, prepared by me...	470
Dresser, L. B., \$250 more shown in his testimony received than appears in Exhibit 49, accounted for by check for that amount given him by Edmonds out of his \$5,000.....	2067
Ecklund, Frank, have no recollection of payment of \$25 to.....	434
Edmonds, E. A:	
Do not think I accompanied him when he went to see Stephenson in regard to filing account before legislative committee.....	396
Given personal check for \$200; orders for money from not necessarily written; do not know how money paid out to his order was used; did not think myself responsible for money paid to; felt when he asked for money I was under obligation to give it to him; think he would indicate what he wanted money for; expenditures by never accounted for to me.....	162, 167, 532, 534
Know nothing about item of \$200 paid him July 23 for general organizing.....	397
Presumes he knows about things I do not know about.....	174
Recollect that part of campaign fund which Stephenson had placed in the hands of Puelicher was transferred to private credit of in an account opened at Marshall & Ilsley Bank; should estimate amount at \$500; fund drawn by check signed by Edmonds; do not know how used; recollect he said he paid some of his board out of it.	533, 534, 535

Sacket, Rodney, an executive clerk of the United States Senate, Berlin, Wis., testimony of—Continued.

Edmonds, E. A.—Continued.

Think he would know about item of check for \$400 to Dart.....	380
Think most of his personal expenses were paid out of \$5,000 given him by Stephenson; have no knowledge whether he received compensation for services as manager.....	532, 533
Was the manager; never examined my accounts; did not submit my accounts to; do not remember any instance where he reported to me salary arrangement made with one of his lieutenants.....	497, 501
When private account in Marshall & Ilsley Bank was low, I deposited some cashier's checks drawn on general fund to credit of it; in several cases I purchased cashier's checks to order of people out in the State which I handed over to Mr. Edmonds and he asked me to have them credited to his personal account; never indorsed by parties to whom drawn; indorsed by Edmonds; it was not necessary to send them to the people in whose favor they were drawn and Mr. Edmonds thought he needed more money in his personal account; this procedure followed in \$250 check drawn for Wellensgard.....	535, 536, 537, 538, 539, 540, 541, 542, 543, 544
Eppling, F. J., do not know about payments to.....	2067
Exhibit 49 is more detailed statement of account known as Exhibit 47; how names were added to.....	503, 504, 525
Exhibit 49, recollect it was made for the joint committee of Wisconsin Legislature; account of Stephenson filed with secretary of state before it was made; presented after Exhibit 47; amounts of all funds drawn from Marshall & Ilsley Bank appear in.....	397, 525, 535
Expenditures, had no idea question of legitimacy of would be raised; did not think Stephenson's friends would question genuineness of.....	500
Expenditures, my opinion of legal or illegal as affected by custom, explained	386
Expense accounts, list of persons who filed and list of persons who did not file, within recollection of me, given; list shows persons who filed accounts and all of the amounts that they received, but I can not designate just the amounts for which they filed accounts; taken from Exhibit 49; identified with printed record by date and not page.....	2064, 2065, 2066
Expense accounts, put them all in one drawer in my desk; took them out of that drawer, sent them to Marinette; they were sent from there to me at Washington; I carried them to Madison and turned them over to joint legislative committee.....	428
Express, \$235.87, was for sending campaign material about.....	465
Fine, knew Stephenson amenable to one if he did not file an account complying to statute; did not think if my accounts were kept so he could not file such an account that I would be amenable too as an aider and abettor.....	502
Fond du Lac County, have no recollection of item of \$250 under.....	431
Fossbinder, my recollection of \$61 to, is that he did some work in hanging posters and other campaign work; think he rendered a bill; do not recollect exactly what it was for.....	445
Frank, J. H., have no recollection of payment of \$100 to Aug. 28; do not remember transaction by which he received \$515; do not know how spent; never saw statement from.....	435
General campaign expenses, only items in Exhibit 49 that answer to designation of general campaign expenses or "general" in which names of persons to whom money was given are not stated, tabulated; aggregate, \$2,947.08.....	567
General expense of organizing, items of charge for on July 6 not included in any statement; meant expenditure of money covering a larger territory than a county, possibly all over the State; do not know to whom money for was paid; never presented items for to Stephenson; as itemized in Exhibit 49.....	380, 381, 480, 517, 518, 526, 527
"General organizing, July 21, \$250," have no recollection whatever of item.....	392, 393
Gordon, George, Mr. Edmonds would know for what purpose he was paid \$1,300.....	176
Gust, O. L., have no knowledge of how payments to on August 8, 28, and October 16 were expended.....	425, 426

Sacket, Rodney, an executive clerk of the United States Senate, Berlin, Wis., testimony of—Continued.

Hamalrath, E. A., lived in Antigo; he sent me a bill for money he had expended in interest of Stephenson and I sent check of \$13.75, September 5, to reimburse him.....	548
Hambright, C. M.: Did not ask him whether he did or would vote for Stephenson; told me he was favorable to Stephenson before I paid him any money; traveled in Racine and Kenosha Counties; said to me that he did take people into the hotel and invite them to dinner and meals and pay their bills; do not know that his items were ever submitted to Stephenson.....	381, 382, 383, 384
Paid \$50 in currency.....	169
Payments were for organizing; expense account left with legislative committee at Madison; passed upon propriety of his account; do not remember how items for sundries expended; paid \$300 for salary, September 5; unable to state what proportion of \$400 given to for expenses was used in purchase of liquor and cigars.....	381, 382, 383, 384, 385, 390, 441
Testimony shows he received \$45.50 more than appears in Exhibit 49; recollect he was going out on a trip and was short of money and I gave him that or some amount and charged it under "sundries, small" as appears in Exhibit 49.....	2067
Was employed to go around State and report to us ability of certain persons whom we might employ.....	422
Hanson, J. T., affidavit shows he received \$100 more than appears in Exhibit 49; explanation is that in printed copy of Exhibit 49 they left out the name of Hanson, which should appear after one of the items of "advertising".....	428, 436, 2068
Haslam, W. C., from his testimony appears to have received \$301 more than shown in Exhibit 49, \$250 of that was a check from Edmonds account of \$5,000, leaving \$51 I can not account for.....	2067
Hayes, E. V., have no recollection of items of August 27 and September 5 paid to.....	433
Headquarters, on train from Marinette, first talked of opening; Puelicher and I went into details and then I determined to open office.....	475
Hilsenhoff, H., have no recollection of who paid him \$25 for distributing and hanging posters.....	435
Hotel Meyer, Janesville, do not remember about item of \$17.50 to, August 24; my recollection of item August 20 is that it was money Mr. Puelicher paid for hotel expenses when he and Stephenson and others took trip.....	469, 560
Hornbrook, Henry, of Marinette, had nothing to do with office in our headquarters.....	1810
Humphrey & Williams, have faint recollection of paying \$25 to, for putting up posters around in other counties and Milwaukee County.....	440
Investigating committee of Wisconsin Legislature, knew personnel of; though members of were not unfriendly to Stephenson; think statement of that \$30,000 was spent for liquor and cigars is incorrect; understand their language to mean the \$30,000 is to be divided into two classes, a portion of it misappropriated and another portion spent for liquors and cigars.....	483, 484
Itemized statements of expenditures by McMahon, Larson, Reinold, Rowe, Keyes, Ames, Sexton, and Stevens rendered to us, can not find in record of legislative investigating committee; recollect they were among papers left with committee at Madison.....	490, 491, 492
Items in account dated October 16, aggregating \$3,188.65, a cleaning up of bills that came in after primary; no part of aggregate paid for activity during real campaign after the nomination; items read and where possible explained; statement made from claims in bills and letters; had knowledge of items at time, but have forgotten them in three years; disbursements for were actually made and not for any improper purpose; think memoranda that was basis of account was left with joint legislative committee.....	562, 563, 564, 565
Items under head of "General," have no recollection how expended; actually disbursed by me or by Mr. Edmonds during campaign.....	422, 426, 429, 431, 433, 434, 444, 526
James, N. L., have no recollection of item of \$300 to, August 21.....	433

Sacket, Rodney, an executive clerk of the United States Senate, Berlin, Wis., testimony of—Continued.	
Johnson, O. T., have no recollection of item of \$57.76 paid to.....	445
Johnstad, L. F., have no recollection of item of \$100 to, August 28.....	434
Johnstone, A., of Eau Claire County, have no recollection of paying him \$50.	441
Jones, A. M., in regard to \$150 paid him, I did not make arrangements with him, but remember there was a Mr. Jones in Waukesha County who helped us and probably spent some money.....	549
Jones, J. R., paid \$100 for expenses in organizing Racine County; as I remember he did not receive salary; items of August 14, 29, and 31 paid him for organizing; think payment of September 5 was final settlement; did not account in writing, by items, for any of \$883.50 paid him between August 7 and September 5, as I remember; can not say how much of total sum was spent for treating or entertaining electors; recommended by Hambright.....	420, 421, 422
Jones, W. B., have no recollection of item of \$30 paid to.....	445
Juneau County, do not know who organizer there was.....	566
Kates, C. W., of Escanaba, had nothing to do with office in our headquarters.....	1810
Kelley, J. T., thinks \$500 paid him was in currency.....	169
Kempf, candidate for legislature, who sent in a bill for posting bills for Stephenson.....	490, 509, 510
Kewaunee County item, have no recollection of it; was in my card index; do not know to whom the \$75 of this item was paid August 5.....	419
Keyes, facts in regard to Hambright's expenditures applicable to those made by; to my best recollection expense account rendered by, was among papers left with joint committee at Madison; not able to find expense account of, in testimony; said he was in favor of Stephenson's election; had been a railroad man.....	391, 392, 546
Keyes, J. R., paid \$25 on July 13 for expenses; presume items of July 21 and 30, August 5, 8, and 20, and September 5 were partly for salary and partly for expenses; can not say whether any part expended for drinks or cigars.....	390, 391, 397
Keyes, paid \$50 in currency.....	169
Knell, W. R., his account included in my statement, for the money for which I gave a receipt for him; gave bank or Mr. Puelicher a receipt for money used by; presume Stephenson authorized him to disburse money.....	171, 473
Koch Advertising Agency, payments to, for advertising in sundry papers.....	458, 459, 552
Kuryer Publishing Co., Milwaukee paper of some prominence; \$250 paid them was for advertising space.....	552
Lambeck, Arthur, had charge of contents of box in which papers connected with campaign were placed.....	1810
Lamoreaux, F. P., have no recollection of item of \$25, August 19; do not know him.....	428
Larson, C. O., \$25 paid July 30 advanced to him for expense money as manager in Ozaukee County; \$50 paid to August 14 to cover his expenses and possibly his salary; \$50 paid August 28 for same purpose; think payment of \$254.80 was a final settlement.....	545, 546, 547, 548
Law:	
Claim no immunity by reason of not knowing; accept responsibility of actions as being within.....	154
Do not think it was evaded.....	496
Instructed employees to keep within.....	162
It was not my understanding that it prohibited the general giving of anything of value for the purpose of procuring votes properly.....	377
Knew it required detailed statement of expenditures by candidate; did not know that law required particular items of expenditure should be given and not grouped; I understood that no one but candidate should make report of each expenditure over \$5; did not know candidate would be obliged to reply on statement of disbursing agents.....	477
Question as to what it was not considered; promised to keep within; not professionally familiar with; had general understanding of that referred to by Stephenson; read carefully before I did anything except to rent and furnish offices.....	153
Requiring candidate to file expense account, how interpreted by me.	506, 507

Sacket, Rodney, an executive clerk of the United States Senate, Berlin, Wis., testimony of—Continued.

Letters and copies of letters on file pertaining to primary campaign, I intended to have destroyed after the primary campaign; did not learn that letters had not been destroyed until after I testified here the first time; Mr. Lambeck told me it was his recollection he did send them in box to Marinette; have not gone over them with Mr. Black; thought letters destroyed when I testified before joint legislative committee; did not know of shipping of box then.....	2077, 2079, 2080, 2081
Liquors and cigars, made expenditures for myself in several instances when I took men I was doing business with to dinner; do not think \$500 was spent for, during whole campaign; only know of my own expenditures for, which would not amount to \$20; knew of only one man who spent money given him in drinking, and discharged him.....	481, 482, 483
Liquors and cigars, my agents in some instances told me they spent money for; remember nothing of any complaints that money was being spent extravagantly for.....	485
Liquors and cigars, there was money spent for, to my certain knowledge ..	469
Literature sent to electors included personal letters, multigraph letters, and circulars of all kinds; can not furnish copies of any sent out from Milwaukee headquarters; carbon copies of personal letters probably put with waste paper when we cleaned up office	449
MacLean, of Escanaba, had nothing whatever to do with our office	1810
McGill, his affidavit of expenditures shows a difference of \$25 from those accounted for in Exhibit 49; unable to account for except generally....	2068
McGovern, now governor of the State; Mr. Edmonds went to Madison and examined his account, as being only one filed by a lawyer who was candidate for the Senate at the time, with idea of having Stephenson's account as nearly like as possible	506
McMahon, compensation of, think paid approximately \$450 in aggregate; paid \$300 in salary; \$150 used in traveling expenses.....	155, 156, 374
McMahon, did not advise as to meaning of law; gave money under general instructions from Stephenson; when I gave him \$50 thought I understood application of section 388 of election laws of Wisconsin; did not know of arrangements between him and Mr. Dart; reported to me in detail how he expended aggregate of \$200; gave \$300 for salary September 5	375, 376, 377, 378, 379, 380, 441
McMahon, employed to organize throughout State for Stephenson; instructed to get names of influential persons favorable to Stephenson to whom we could send letters and nomination papers and request for assistance, and to create sentiment in favor Stephenson.....	155, 375
McMahon, engaged during almost entire campaign; had no business; lived in Milwaukee; had no political experience; knew he was absent because he sent expense account from outside places; expense account of, left with legislative committee at Madison; expense account paid in currency.....	155, 156, 168, 378
Madison, not at, when legislature was organized or during contest for election of speaker.....	409
Madison, was witness before joint committee during session of legislature at; not in, when houses voted separately on question of election of a Senator; not at, on day Stephenson declared elected.....	173
Mailing list; beside those obtained from two papers, we had lists of all who signed Stephenson nomination papers.....	512
Mandel Engraving Co., payment of \$278.35 to, was for large lithographs of Stephenson.....	464
Marshall, J. T., do not remember item of \$50 to, paid for Columbia County organizing; have no recollection of him; can not recollect any payments to him	401
Marshfield Times, have no recollection of item paid to.....	552
Member of legislature from my district told me voluntarily that he was for Bancroft; that Bancroft would be a good speaker; I agreed with him.....	409, 410
Memoranda relating to sums paid out, three conditions of existence: First, cards; second, sheets of paper on which I had taken amounts from cards; third, ultimate statement into which I incorporated them; statement taken from cards copied a number of times because soiled; carried some of it in my pocket from July, 1908, to February, 1909.....	1806, 1807, 1808

Sacket, Rodney, an executive clerk of the United States Senate, Berlin, Wis., testimony of—Continued.

Memorandum of expenditures in card index; knew all about each entry at time I set it down; names of persons in, always stated truly; statement of facts upon, true.....	479
Memorandum of expenditures taken from cards was destroyed as I made up the final report filed.....	1806, 1807, 1808
Memorandum with reference to employment of these men destroyed by me shortly after conclusion of campaign; accounting for money not destroyed; showing agreement with Miller destroyed.....	157, 158, 165
Meyer, Richard, jr., says he received \$500; \$200 of that was a check from Mr. Edmonds out of his \$5,000, and \$300 a general item in Exhibit 49....	2068
Miller, J. C., never knew until met at Milwaukee headquarters; was not engaged in business; does not remember on whose recommendation he was paid \$50; \$50 paid in currency.....	157, 168
Miller, paid \$50 for expense money; paid \$300 at close of campaign; did not receipt for money; report from destroyed.....	159
Miller, payment of \$50 to was for purpose of traveling through State to ascertain Stephenson sentiment in different localities and influence it as much as possible; facts in regard to items of expenses same as in Hambright's case.....	380, 390, 400, 441
Milwaukee, opened headquarters at by renting and furnishing office of two rooms in Wells Building.....	154
Milwaukee County expenses, have no personal knowledge of payment of any items contained in report of W. R. Knell; Mr. Knell would know about.....	446, 447, 470, 471, 472, 473
Miner, G. L., have no recollection of payment of \$300 to on August 25; lives in Richland Center; know him personally; have no record to show who paid him money.....	432
Minneapolis Journal; \$100 paid to was for advertising space; advertised in because throughout northwestern part of State people take Minneapolis papers instead of Milwaukee papers.....	553
Minneapolis Tidende, Scandinavian paper with large circulation in Wisconsin; paid \$563.79 for advertising; August 19 paid \$1,000 for advertising.....	456, 457, 458, 552
Money, did not admonish men in regard to expenditure of.....	169
Money for organizing, can not tell how disposed of; might have been used in getting lists of names or employing men at polls; paid for getting signatures to nomination papers.....	162, 174
Money, recollect purpose of payment of in all cases where I made the arrangements; knew nothing of disposal of what passed through my hands on order of Mr. Edmonds.....	165
Morse, R. L., have no recollection of item of August 27, \$250 paid to; do not remember having any dealings with.....	434
Names, omitted in accounts in some instances because I felt persons to whom money was paid did not want it known because newspapers might say things; can recall persons who asked their names be not used; after joint committee demanded them I furnished them whenever able; do not recall anybody whose name has not been given.....	480, 481, 502, 524, 525
Names of friends who did not want publicity, did not intend they should come out unless we were obliged to give them; did not understand statute obliged me to give them to Stephenson; did not appear in card index.....	501, 502, 523
Names of persons to whom money was given, did not think law required me to state; gave them when convenient; think 15 or 20 kept off record; do not think more than \$10,000 given to; Edmonds and I did not suggest to each other they should be inserted in account; item of July 21 headed "general organizing," given to some person whose name I did not want to put on card.....	495, 498, 499, 502, 506, 545
Narden Tribune, can not place paper, paid \$20, August 13.....	552
Neillsville item, of \$150, August 27, know nothing about it.....	434
Neillsville Times, paid \$50 for advertising, for which, as I recollect, an itemized bill was rendered.....	551
Net expense of campaign \$107,793.05; shown by details gathered in statement to be \$107,624.18 or \$168.87 less than amount returned; think discrepancy arises from grouping the items in original report; some have been put into two groups, which made the report that much larger than it should have been.....	2072

Sacket, Rodney, an executive clerk of the United States Senate, Berlin, Wis., testimony of—Continued.

Nomination papers, sent out blanks to get signatures required by law for, in order to get Stephenson's name on ballot.....	154
Newspaper advertising, have no copy of any advertisement for which Usher paid \$500 or \$600; set forth Stephenson qualifications; understood they were printed as paid matter; aggregate of \$12,696.76 paid for, included Usher's services and disbursements.....	452, 455, 456, 459
Newspapers, purchased extra ones to circulate; think we paid one of the Minneapolis papers for sending out extra copies in large numbers; think in case of Wisconsin Agriculturist we paid for sending out a large number of extra papers and my recollection is that in a number of other instances we paid money for the purpose; sent out by the newspaper offices to nonsubscribers; do not know how they got the list.....	554
O'Connor, D. J., who does not appear at all in Exhibit 49 and who testified here that he received \$307.50, received that out of the Edmonds \$5,000.....	2068
Office expenses, items for salary and general expenses, aggregate \$4,074.38; did not keep payroll; item of \$1,101.91 for expenses July 1 to August 5 taken from card index account destroyed; telephone and telegraph bills; postage-stamp item of \$9,819 all for sending personal and circular letters in interest of nomination campaign; think \$1,200, August 27, was for 2-cent stamps; remember sending 60,000 letters one day with 2-cent stamps; stamp transactions always in cash... 447, 448, 449, 450, 451, 474, 549, 550	
Organization, I estimated it would cost between \$150,000 and \$200,000 to do it thoroughly; made up my mind it was not advisable to organize by precincts; made up my own mind we ought to organize larger districts and counties and in more systematic manner than we did; estimated cost of such an organization at \$50,000 or \$60,000; expense of, went beyond what I expected.....	476, 477, 512, 513
Organizing, my use of the word intended to convey any act of campaigning that would produce votes for Senator Stephenson, do not mean any act other than legitimate.....	404, 510
Orton, R. E., paid \$300 on Mr. Edmonds's order; do not know how he expended money.....	165, 166, 167
Overbeck, Henry, his testimony shows he received \$600 more than appears in Exhibit 49; \$500 of that was a check on Edmonds's account of \$5,000 and \$100 was received by him from Edmonds in cash and appears in Exhibit 49 under date of July 6 as an item of general expense.....	2067
Payments made after campaign closed, not accounted for in card index; think I kept track of them on sheet of paper; account for, came under date of October 16; made in response to demand for money that it was claimed we owed both for services and disbursement.....	468
Payments, whether made by check or currency, how determined.....	169
People of Wisconsin, thought we were keeping faith with, in method of accounts.....	495, 496
Perrin, S. L., testifies that he received \$1,000 more than Exhibit 49 shows; Mr. Edmonds's testimony this afternoon will show that he gave him a check for \$1,000 out of the \$5,000 in National Exchange Bank; that is no part of Exhibit 49; that \$5,000 not included in \$98,000.....	2066
Perrin, S. S.; paid for items of August 4 by cashier's check; has no personal knowledge of what items refer to.....	176
Peterson, G., have no recollection of item of \$200 to.....	397
Phlughoefft, have no recollection of him or payments to him of items of August 28 and September 5.....	437
Plivelich; paid him \$35 for expenses in electioneering in Taylor County; employed because he spoke Polish; paid \$40 August 31 for electioneering; rendered an account to me; can not remember items in his account.....	433, 441
Political promises; did not make any or cause any to be made during primary campaign.....	2064

Sacket, Rodney, an executive clerk of the United States Senate, Berlin, Wis., testimony of—Continued.

Poll of voters; did not have list made; generally first thing organizer gets if he has an organization and money enough to do it; had list of about 20,000 names of persons in different parts of State who had expressed sentiments favorable toward Stephenson; to my knowledge had no record in office of two-thirds of people who supported Senator; presume they read advertisements and received circulars.....	407, 510, 511
Powell, W. E., recollect he came into my office after the primary and stated that he had expended \$44 in the interest of Stephenson, and I gave him a check for it.....	548
Prosecutions, do not know of any brought by Wisconsin officials in connection with either the primary or senatorial campaign in which Stephenson was candidate.....	507
Puelicher, have no knowledge whether he received compensation from Stephenson.....	533
Ranger, have no recollection of payment of \$50 to August 15; do not think anyone would recollect nature of advertising paid for.....	551
Rank, M. E., do not remember item of \$22 to.....	441
Rasmussen, H., or Rasmussen Publishing Co., paid \$1,000 for advertising in his paper in northern part of State; think it was run as paid advertisement.....	455, 456, 457
Raymond, have no recollection of paying him Marshfield item of \$35.....	440
Raymond, W. B., do not remember payment of \$42 to for advertising.....	434
Receipts, my intention to keep original ones in all cases.....	2078
Red paper box produced by Mr. Essman from State capitol in Madison; do not think it includes all of the memoranda left with committee at Madison; receipts in, read and traced to corresponding items in Exhibit 49; instances given in which it does not contain bills left with committee at Madison; receipts and bills in box all refer to items that appear somewhere in exhibit that aggregates \$98,000.....	2072, 2073, 2074, 2075
Reese, J. M., think payment of \$100 to, was for publishing an advertisement in his newspaper favorable to Stephenson's candidacy.....	43
Reinold, F., paid \$50 on July 30 to organize Kenosha County, for expenses, and possibly included some salary; do not know that he spent any of it for treating electors to meals, liquors, or cigars; recollect that item of \$11.05 September 5 was a final settlement of his expense account, rendered, and a balance of salary due him; do not know manner of expenditure.....	401
Reynolds, have no knowledge of matter of his being a supporter of Stephenson prior to the arrangement made with him.....	509
Reynolds, Thomas, no money paid to, to my knowledge.....	2066
Richland Rustic, have no recollection of that paper.....	552
Ring, M. C., testimony shows he received \$300 more than accounted for in Exhibit 49; to best of my knowledge it must have covered some item of general expense charged in the exhibit.....	2067
Riordan, his testimony shows he received \$1,900 more than appears in Exhibit 49; \$1,000 of it was a National Exchange Bank check from Mr. Edmonds and \$900 is explained in his own testimony, in which he says Laughlin received \$400 or \$500 and Miller the same, making \$900 sent to Riordan and in Exhibit 49 charged to Miller and Laughlin.....	2066, 2067
River Falls Times, do not remember item paid to.....	552
Rogers, E. J., paid \$50 on August 5 for expenses and possibly for some salary for organizing in either Grant or Iowa County; received reports from him, which think were left with legislative committee at Madison; think \$300 paid him August 22 was for hiring men and teams to work at polls; of three items paid to, amounting to \$481.79, should think \$90 would cover salary; can not say whether any part of money was spent for treats, liquors, or cigars.....	410, 412, 413, 430, 431
Rowe, R., general organizing in Waupaca County purpose of payments of July 24 and August 5, 10, and 18 to; rendered an itemized statement which it is possible I destroyed; can not remember items; paid \$300 August 22 to employ men and teams to work at polls; \$48.34 paid on October 16 was to reimburse him for money expended in excess of \$300; do not know whether he spent any money for refreshments, meals, or drinks for electors.....	398, 399, 400

Sacket, Rodney, an executive clerk of the United States Senate, Berlin, Wis., testimony of—Continued.

Russell, C. H., \$200 paid to August 10; agreed to furnish him money to cover his expenses in helping us; not to receive a salary, as I remember; to cover Columbia and Adams and one or two other counties; paid \$550 August 19 under same conditions.	547
Russell, in Cary, Upham & Black's office; had nothing to do with headquarters during campaign.	1810
Rustone, ran a Scandinavian newspaper in Milwaukee and ran advertisements for us from time to time; check of \$25, August 13, for that purpose.	551
Saloon campaign, gave instructions against conducting, explained.	388, 482
Saloons, did not go into and call up people generally to drink with me.	482
Sampson, D. G., \$100 item at Ashland, have no recollection of.	434
Schedule of minor items in account, not classified as sundries, read and where possible explained; made up from time to time from card index; items in actually disbursed and not to my knowledge for any improper purpose.	559, 560, 561
Services, I received no payment whatever for my, from July 1 to October 16.	476
Sexton, item of \$523.98 to was a settlement covering both expenses and salary, as I remember; arranged with him to travel through State to promote Stephenson's interests within the law; did not talk to him about provisions of law; his home in Waushara County; think he was to receive about \$150 a month as compensation; items of August 4, 12, and 14.	444, 445, 544, 546, 547
Shields, R. J., have no recollection of paying him item for advertising August 6.	419
Smith, C. D., remember him in Fond du Lac; gave money to cover expenses of campaign work; as I remember payment October 16 of \$112 was a claim for his son, who traveled around, he said, in interests of Stephenson; have no knowledge of what he really did with money.	426, 427
Smith, have no specific recollection of item of \$100, Oconto Falls, for advertising paid to, August 15.	551
Stamps, \$200 for, do not recollect transaction, but fact it is in statement would indicate I bought and used them; think all were bought at post office here.	397
Statement filed with secretary of state by Stephenson, made up by Mr. Edmonds with data I gave him; only statement submitted to Stephenson; do not recollect anyone being present when I gave Edmonds data.	503, 505, 506
Statement of account filed is true statement.	479
Statement of disbursements, as prepared by me, contained in Exhibit 49.	154
Statement of total campaign expenditures, includes bills paid during primary or contracted during primary that may have been paid afterwards.	2071
Statute, referring to giving a thing of value, understood that it prohibited the giving if it be corruptly or for the purpose of bribery; do not think it would affect custom of treating; do not recollect of hearing it referred to as antitreating law of Wisconsin; did not understand it was claimed to be enacted for purpose of preventing treating during campaigns.	388, 389
Statute requiring filing of expense account, remember having read it; understood it to mean Stephenson was required to file account of money expended by him, and by others that he had knowledge of.	494, 495
Stephenson, Senator:	
Asked me to do what I could to get the nomination papers, to get out the vote and promote his interests; used the words, as I remember, "Keep within the law, whatever you do"	153, 376, 475
Did not ask what we were doing with money; did not submit accounts to; heard him complain of amount campaign was costing; thought I should keep an account that would satisfy him.	497
Did not tell him I was paying \$250 to a legislative candidate to work for him; did not talk to him in regard to employment of Bancroft.	403, 408, 487, 488
Expected him to get information for account required by law from his own books of the sums expended and disbursed by him; do not think he was responsible to account for amounts furnished to any person if it was not reported to him.	478

Sacket, Rodney, an executive clerk of the United States Senate, Berlin, Wis., testimony of—Continued.

Stephenson, Senator—Continued.

Expected to give him the account, Exhibit 47, as I filed it before the legislative committee, as evidence of money sent to people; did not intend to retain any original evidence to show him in case he desired to question account, because I did not think he would require any evidence.....	2077, 2078
Gave me to understand Knell was to have charge of Milwaukee County.	527
Had no idea of concealing any information because I thought it might hurt him.....	501
In entering expenditures of money in account under headings "General" and "Sundries" it was not my purpose to keep him from knowing how various items were expended.....	480
Items in his statement filed with secretary of state were submitted to him; account examined here not submitted to.....	498
Knew law required him to file a special account showing persons to whom money paid, amount paid, and purpose for which paid; knew good faith on my part required I should keep his accounts so as to enable him to comply with law; think I did.....	494, 495
Left discretion to me as to whom to give money on his account; did not discuss provisions of law governing expenditure of money with.....	375, 376
Puelicher and I alone with for several hours at meeting at Senator's house in city of Marinette, late in evening one of last days in June..	153, 474
Recollect Puelicher paid his expenses during a trip through six or seven counties.....	527
Telephoned me from Marinette to Berlin and said he had become a candidate for Senate; asked me to come to Marinette by way of Milwaukee and to ask Mr. Puelicher to come up with me.....	153, 474
When considering question of putting more money in campaign I did not go over items with him; do not recollect being present at an interview with in regard to necessity of having more money.....	381
Wrote or called him up as soon as office was opened; had no specific understanding with that I was to have charge of office work; did not pay me money used in campaign with exception of \$5,000.....	475
Stevens, L. H., came to Milwaukee to see about Stephenson campaign in his county. Before arrangements made he suggested matter of procuring his bank to be a depository of State funds. I told him I had no authority from Stephenson to make any promise of that kind; that if he wanted to take hold of the Stephenson campaign, he must do it with the understanding that that was not to be a consideration.....	2064
Stevens, paid \$28.93 August 5 for expense money to organize Grant County; think report of that item was turned over to legislative committee; paid him \$300 August 22 to provide men and teams at polls; \$200 paid him August 31 was for salary; \$200 paid October 16 was to settle his claim put in after primary was over for money expended and not collected before; money given him to use in entertaining electors; have no recollection of any account made to me of over \$700 spent.....	415, 416, 417, 418, 441, 468
Stone, J. W., \$349.50 shown in his testimony that he received above what accounted for in Exhibit 49 was a check on the Edmonds \$5,000.....	2067
Stone, paid \$2,500 in cash August 12; does not know how it was expended; might have expended it for purpose of bribery.....	169, 170
Stone, State game warden; recollect payment of \$2,500 to, was in cash; remember getting money from Marshall & Ilsley bank, because Mr. Edmonds asked me to; think reason was because he did not want to take check or certified cashier's certificate.....	508
Stringham, Miss, do not know she had any knowledge of affairs in our office.....	1810
Submanagers, about 25 per cent of them rendered itemized accounts; did not order itemized accounts from, destroyed; I intended to keep those separate in my desk; office help instructed to bring accounts of, to me; not by my direction or knowledge included in box shipped to Stephenson; got memorandum as to number who furnished itemized accounts from Exhibit 49.....	2079, 2082, 2083

Sacket, Rodney, an executive clerk of the United States Senate, Berlin, Wis., testimony of—Continued.

Submanagers, thought it necessary for them to keep detailed accounts; did not have authority to require it in all cases; issued orders for money given to; when Mr. Edmonds made arrangements with, I did not feel I had authority to give them directions.	496, 497
Sum of \$11,600, known as Knell item; did not consider myself responsible for manner of expenditure; came out of \$98,083.72.	171
Sum of \$46,000, included items of expenditures for organizing; thinks it includes expenditures for procuring names to petition for primary nomination; would include expense of nomination papers; would include payment of money to men who were to work at polls; has no knowledge of its including money spent in purchasing votes.	175
Sum of \$98,000 accounted for in Exhibit 49, included Stephenson's check of \$5,000 to me, August 27; did not include Edmonds's check for \$5,000 from Stephenson.	2070
Sum of \$111,385.49 furnished by Stephenson for primary campaign; difference between that and expenditures of \$98,083.72 shown by Exhibit 49 plus Stephenson's check of \$5,000 to Edmonds, aggregating \$103,083.72, explained in statement.	2070, 2071
Sundries covered incidental expenses in offices; might have been for beer and cigars in some cases; undoubtedly knew expenditures for, were lawful; paid for them myself or reimbursed somebody else who paid them. .	172
Sundries, did not intend to cover up items of drinks and cigars by classifying as; how entered into accounts; money for, how expended; do not recollect what items entered under were for; items from Exhibit 49 grouped; bills for, read from list and, where possible, explained; money for, disbursed in every instance and, to my knowledge, none for unlawful purposes.	466, 467, 469, 481, 518, 519, 520, 521, 522, 554, 555, 556, 557, 558, 559
Sundries, small, items in account entered "sundries, small," taken from card index, destroyed; recollect that items included under heading as traveling expenses were sums paid to men who were invited to come and consult about campaign.	467, 559
Sundry advertising, \$156.40, have no recollection of; check will show.	553
Superior Tidende, paper published in Scandinavian, which we ran advertisements in, and they were sent a cashier's check; think I remember we had their itemized bill.	549, 551, 552
Testimony given by persons that received money, find that some of them admit receiving more than is charged to them in Exhibit 49; reason for, in some instances, explained.	2066, 2067, 2068
Thayer, L. W., did not make arrangement by which he was paid \$600, August 27.	548
Treating, was not done in campaign for consideration of votes.	513, 514
Usher, E. B., publicity man employed to look after advertising; was to make contracts for advertising; helped prepare some of matter; is newspaper writer.	451, 454, 456, 566
Van de Kamp & Lorberter, have no recollection of items paid to.	463, 464
Van Houten, had nothing to do with our office.	1810
Violation of statute, would not think that expenditure of money in purchasing drinks and meals for purpose of influencing voter would be; would draw line concerning, at what was customary and what was not. .	385, 386
Vote, do not know by name any single man who was induced to cast one for Stephenson.	404, 406
Voters, think 400,000 Republicans in State; think aggregate voting population of Wisconsin less than 700,000; know of no way Stephenson could estimate total Republican voters and proportion he could rely upon without making accurate canvass of precincts.	511, 512
Votes, knew of no deal to split up the vote of candidates opposed to Stephenson in order to improve his chance; heard a rumor of that kind during campaign; had destroyed card index before I heard rumor.	499, 500
Votes, Stephenson received approximately 56,809 in primary at a cost of \$111,389.49; would be at rate of more than \$2 for every vote; total vote cast at general election in Wisconsin that fall was about 450,000; total Republican vote over 300,000; never estimated number Stephenson would have received at primary if no money had been expended; talked about them and influence different things might have on voters.	405, 406

Sacket, Rodney, an executive clerk of the United States Senate, Berlin, Wis., testimony of—Continued.	
Votes, we expected to get 75,000 or 80,000 votes for Stephenson at primary..	408
Washington, remained at during recess of Congress.....	152
Washington, returned to shortly after November 1; if I remember correctly I stayed and voted and then went to in a few days.....	173
Waukesha, had several managers in Waukesha and Waukesha County....	549
Waukesha County item, \$50, have no recollection of it.....	434
Wayland, C. C., know nothing of payments to; he is Mr. Edmonds's partner in business. Mr. Edmonds went over that item again and again.....	414
Weisman, A. J., paid for purpose of organizing in Manitowoc County.....*	404
Wellensgard, C. E., agreement with was that he was not to use any money in his own campaign that I furnished him; do not understand that he did any electioneering. He simply employed other people to look after Stephenson's interests.....	488, 489
Wellensgard, paid \$250 September 5 to reimburse him for money expended in Green Lake and Waushara Counties in interest of campaign; was elected to legislature; member of legislature that elected Stephenson; was then a candidate; mailed him cashier's check; had a conversation with in early part of campaign when I knew he was a candidate, before I gave him money.....	441, 442, 488, 490
Wellensgard, itemized statement of his account filed with joint legislative committee at Madison; items of his expense account, known as exhibit 62, explained.....	442, 443, 444
Wells, J. H., received \$200 on August 21 for organizing city of Portage; keeps a hotel at Portage; do not know if it has barroom; do not know how he expended \$400 received on local account.....	437
Wells Co., paid \$210.62 for number of small bills.....	464
Whitehead & Hoag, several items paid to were for campaign buttons....	463, 464
Windsor, handled money jointly with Hanson.....	2068
Wisconsin, customary there for candidates to buy liquor for voters; instructed those employed by me not to observe this custom.....	387, 388
Wisconsin, went to in latter part of June, 1908; custom to go to after adjournment of Congress.....	152
Wisconsin Agriculturist, paid altogether about \$1,400 or \$1,500 to furnish us a mailing list of names of farmers throughout State; we paid them 1 cent for each name and a half a cent for each subsequent use of name; also paid them for addressing envelopes and for envelopes themselves; paid for use of 70,000 names; ran advertisement in and received itemized bills from, which I think have been filed with joint committee. 460, 461, 511, 551	
Witnesses who testified to receiving larger sums than shown in Exhibit 49, items to, are included in exhibit under heading of "general," except such as accounted for by checks drawn from Edmonds check of \$5,000. 2068, 2069	
Wypszinski, J. W., items paid to July 22 and 24 were for expenses of organizing; authorized to travel through State; arrangement involved payment of salary and expenses.....	545
List of bills and receipts found in "red box," referred to in testimony of.....	2119-2124
Salmon, C. B., president and treasurer of Beloit Water, Gas & Electric Co., Beloit, Wis., affidavit of.....	2015
Age, 60 years.....	2015
Beloit, resided in about past 35 years.....	2015
Campaign headquarters at Milwaukee, received \$100 from; was insufficient; expended about \$40 in excess; not been reimbursed for and does not expect to be.....	2015
Campaign work in Beloit and various parts of Rock County during primary contest; services covered several weeks, had assistance of others to travel into some of country precincts in south part of Rock County and also do work in Beloit; principal work was the circulating of literature, posting lithographs, distributing campaign buttons, conferring with friends. sending men out in conveyances, and causing favorable material to be published in certain newspapers in Beloit.....	2015
Expenses incurred were legitimate, proper, and such as have been customarily expended in campaigns in Wisconsin, and such as accustomed to expend in previous campaigns for last 30 years whenever he assisted others to be elected to office.....	2015

Salmon, C. B., president and treasurer of Beloit Water, Gas & Electric Co., Beloit, Wis., affidavit of—Continued.	
Money not disbursed for the purpose of corruptly or unlawfully influencing or bribing any person.....	2015
Saloon campaign, neither he or anyone who assisted him conducted in any sense.....	2015
Services, makes no claim for compensation for; at no time expected any..	2015
Stephenson, supporter of; prior to doing any work for; had supported him in previous campaigns.....	2015
Sanderson, Thomas H., attorney at law, assistant sergeant-at-arms of the senate of Wisconsin in 1909, Milwaukee, Wis., testimony of.....	1639
Absence of members, did not know of, probably, until a few minutes after election; never heard that I was charged with having knowledge of the cause and conditions surrounding.....	1645, 1647, 1648
Absence of members, no one told me of money being spent for; heard expressions of various people about.....	1641, 1642, 1643
Crownhart, statement of conversation that Wood had with..	1641, 1642, 1648, 1652
Election of Senator Stephenson, do not remember I was on floor of joint convention at time of; heard some talk of his probable election on March 4	1643 1644 1646 1647 1648
Farrell, never knew or heard of a page carrying a note to, on the floor and of his leaving chamber immediately.....	1643, 1645, 1647, 1648
Kittle, said is Wood just trying to get \$100 or \$200 or \$50 for nothing, or is he acting in good faith; told him that from what I could gather he is a reliable and truthful man.....	1650, 1651
Kittle, William, statement of conversation that Wood had with; got the impression from, that Morris had said there were no funds for hiring Wood.....	1640, 1641, 1642, 1648, 1652
Kleist, John C., said Wood had done a great deal of work for him and he always found him honorable.....	1640, 1653
Money, no one told me of any being paid to three men who stayed out of the legislature; all the information I have of are expressions of various people around the Capitol.....	1641, 1642, 1643
Morris, Governor, talked with him about the story Wood had told.....	1640, 1641, 1642, 1648
Regan, statement of conversation of with Souther and Wood.....	1639, 1640, 1641, 1642, 1649, 1650, 1651
Shields, was mentioned by Wood as Stephenson agent.....	1652
Souther, statement of conversation of Wood with Regan in presence of.	1639, 1652
Wood, did not know he had offered to work for Kittle, Morris, and Crownhart for \$10 a day.....	1648
Wood, Harry W., made statement to me as to conversation at which Frank Souther, M. J. Regan, and himself (Mr. Wood) were present in regard to statement made by Mr. Regan; sometime in February or March, 1911...	1639, 1640, 1641
Wood, Kittle and Crownhart came to Milwaukee and interviewed him; said if he devoted time to this thing he would want expense money and some compensation.....	1640, 1641, 1648, 1649, 1650
Wood, statement of conversation (in detail) he had with Regan..	1651, 1652, 1653
Sattler, D. W., president of the Western Casket Co. and the Western Casket & Undertaking Co., Chicago, Ill., testimony of.....	2089
Harper & Shields are stockholders in the company; hold about \$10,000 of the \$25,000 stock; it cost me no more to insure the company through the Harper & Shields agency than in any other agency.....	2089, 2090
Hines, not a stockholder in the Western Casket Co.; had nothing to do with the placing of insurance on the company with Mr. Shields.....	2090
Sells, Max, district attorney for Florence County in 1908, testimony of.....	1021
Canvassed three counties in favor of Senator Wright; never mentioned any candidate for assemblyman.....	1022
Chicago & North Western Railway Co., I was not an attorney for at that time and had not been for a number of years prior to that; was not an employee of theirs in any capacity.....	1021, 1022
Hyzer, never had any conversation with him in relation to alleged conspiracy against Nelson.....	1023

Sells, Max, district attorney for Florence County in 1908, testimony of—	
Nelson, E. F., am personally acquainted with him; I did not do anything directly or indirectly for purpose of defeating his nomination for assemblyman; I had his nomination papers circulated and properly acknowledged and sent them to him, and had some correspondence with reference to his candidacy, but I neither did anything for him or against him; I do not believe I voted for him at primaries; he was not nominated.....	1022
Reeder, I believe I voted for him for candidate as assemblyman; he was nominated.....	1022
Specific charge No. 13 not true in any particular; have no idea of any foundation for it.....	1021, 1022, 1023
Stephenson, I was not supporting him in that campaign; supported Cook...	1023
Senate resolution authorizing investigation of election of Senator Stephenson..	3
Shields, R. J., treasurer of the Harper Shields Agency, insurance, real estate, etc., Superior, Wis., testimony of.....	1390, 1712, 1872
Absence of members, never heard of, until after election; do not think I heard anything in reference to a charge of bribery in connection with; never used money to induce.....	1720, 1721, 1733
Bell, relations with, not very friendly; did not, to my recollection, talk with him in West Baden about the election of Senator Stephenson; did not say I had "pulled it off," or "brought it around," or "across," or any words to that effect; never talked to him in Madison about the election..	1872, 1873, 1874, 1875
Cook, do not recall a talk with him on board a train from Duluth to Chicago in the fall of 1909; never talked with me as to an arrangement whereby I was to get \$15,000 out of the Madison affair; nor of any difficulty with Mr. Hines; met him frequently; never said I would kill him if he made me any trouble, or any thing like that.....	1399-1401
Cuppernull, do not know, and never heard of him; did not say in his presence at West Baden, "Here is \$7,000 of Stephenson's money".....	1875
Edmonds, received \$600 or \$700 from.....	1391, 1392
Farrell, did not converse with Reagan about him.....	1716
Farrell, did not know he had absented himself from legislature until afterwards.....	1393, 1394
Farrell, never talked with him that I recall; never entertained.....	1725, 1726
Haley, never talked with him on the subject of Stephenson investigation..	1401, 1402
Hines, Edward:	
Am stockholder in several companies in which he is interested...	1402, 1403
Did not ask me to go to Madison; did not talk with nor have a letter from him on the subject.....	1397
Did not procure money from, for election of Senator; had no controversy over any amount of money; know nothing of any such financial transaction.....	1395, 1396
Never talked with him as to the matter of expense that he had been put to in Stephenson's election; never signified to me that he was responsible for Stephenson's election.....	1402
Saw him in Washington in February, but did not talk with, on subject of Stephenson's election.....	1728, 1729
Investigation by joint committee of Wisconsin legislature, was not in Madison in that connection particularly; had no interest in it; did not know I was wanted as a witness.....	1397, 1398, 1399, 1731, 1732
Jenkins, assisted to secure nomination of.....	1392
Madison, in, at the Park Hotel, when legislature was considering election of Senator; partially in the interest of Stephenson; never saw Stephenson then to talk to.....	1393
Madison, was there a week or 10 days; was in consultation with Stephenson's friends; that was practically my purpose in being there; left on March 4 going to West Baden, Ind.	1396, 1720, 1724, 1725, 1726, 1730, 1731, 1732
Members of legislature, did not know all; knew, from my own county and some others.....	1724, 1725
Money:	
Did not procure, handle, or control, in connection with election by legislature; never heard of any promises or agreements made by anybody as to the use of, in influencing the vote of any member of the legislature.....	1395, 1733, 1875

Shields, R. J., treasurer of the Harper Shields Agency, insurance, real estate, etc., Superior, Wis., testimony of—Continued.

Money—Continued.

Might have had \$500 when I went to Madison; had a check cashed for \$200 or \$250; do not know how much money I had when I left; probably got the check cashed a day or two before I left Madison on the 4th of March.....	1721, 1722, 1723, 1724
Received \$600 or \$700 from Perrin and Edmonds, but paid most of it out to others.....	1391, 1392
Spent in entertaining people, members of the assembly; did not entertain Towne, Ramsey, Farrell.....	1726
Spent more than I received.....	1392
Montague, do not know him.....	1875
Overbeck, I told him to arrange with Roeder to come to Milwaukee and I would pay for the train to bring him to Madison; said Stephenson and his representatives could not hire this train.....	1718, 1719
Overbeck, talked and worked with, more than with anybody else representing Senator Stephenson; do not know how much money he had there; never talked about.....	1722, 1723
Perrin, received \$600 or \$700 from.....	1391, 1392
Ramsey, did not know he had absented himself from legislature until afterwards; never entertained.....	1393, 1394, 1726
Reagan, did not talk with, in regard to absence of certain members and securing a quorum.....	1394, 1720
Reagan, do not believe I telegraphed him to meet me here on business; met him in Milwaukee during the time of balloting for Senator in Madison; do not recall talking to him—saying much to him; do not think I discussed with him, generally, the Stephenson situation; I may have discussed it; think I saw him once in Madison; talked with about certain lands.....	1712, 1713, 1714, 1715, 1716, 1717, 1718, 1720, 1726, 1727
Reagan, never told him I had any money, or authority to get or use money to aid in Stephenson's election.....	1733
Roeder, did not know why was absent; Overbeck said if he were there the election would be ratified.....	1720
Roeder, hired special train to bring, from Milwaukee to Madison; did not meet him or know he was there.....	1718, 1719
Special train, I paid for, to bring Roeder from Milwaukee to Madison; never got back what I paid.....	1718, 1719
Starkweather, was paid \$250 from Stephenson's money, and \$250 from Jenkins's campaign money.....	1392
Stephenson, took part in campaign for.....	1390
Towne, did not know he had absented himself from legislature until afterward.....	1393, 1394
Towne, never heard Wayland boasting of having kept him out of legislature; never knew by sight; never entertained.....	1721, 1725, 1726
Was on floor or in lobby when vote was taken; did not talk with members of legislature as to manner of voting, except members from district in which I live.....	1394
Washington, went there on a trip with Flannery in February; saw Hines there; talked with friends about Senator Stephenson's election; did not see Stephenson to speak to.....	1728, 1729, 1730
Wayland, never heard him boasting of keeping Towne out of legislature...	1721
West Baden, Ind., went there from Madison; staid there about two weeks...	1397, 1398, 1724, 1725, 1730, 1731, 1872, 1873, 1874, 1875, 1876
White, I think, we were rather tickled over the result (of keeping members out of legislature).....	1721
Smith, Addison T. , statement of.....	1215
Trunk, received key of, from Attorney Black this morning.....	1215
Smith, Herbert H. , real estate and insurance business, Hartford, Wis., affidavit of.....	2015
Addressing, mailing, and stamping, expense for about \$40.....	2016
Age, 49 years.....	2015
Automobile hire, expense for, about \$15.....	2016
Campaign committee, received \$100 from; whole expended and more, for which never asked to be recompensed, and does not expect to be.....	2016

Smith, Herbert H., real estate and insurance business, Hartford, Wis., affidavit of—Continued.

Campaign work in Hartford and in eastern part of Dodge County, during primary campaign, at request of campaign managers at Milwaukee; covered period of several weeks; consisted of traveling throughout Washington County and eastern part of Dodge County, in corresponding; also had assistance of others in putting up and circulating campaign material, such as lithographs, cards, buttons, etc.	2015,
Hartford, resided in about past 20 years.	2015
Livery hire and automobile hire, large expense for.	2016
Madison investigation, did not testify at.	2016
Money not disbursed for the purpose of corruptly or unlawfully influencing or bribing any person.	2016
Personal expense in traveling and for livery hire, about \$45.	2016
Statement of expenditures, never called upon for itemized.	2016
Stephenson, supporter of prior to request to do campaign work.	2015
Sommer, W. J., shoe business, Superior, Wis., testimony of.	1710
Crownhart, C. H., lives in Superior; have no recollection of talking with on subject of election; presume he is half-breed; holds office in Wisconsin.	1711
Palace Market Co., am president of.	1710
Politics, am a Republican; out of entirely; have not been taking any interest in for last eight years.	1711
Shields, R. J., have known for 17 years; never talked with at any time about Stephenson election; never made remarks about time had at Madison.	1710, 1711
Stephenson, election of, only know what read in papers.	1710
Souther, Frank T., inspector on street work in Milwaukee, Wis., testimony of.	1653
Black, never knew of any efforts on the part of Wood to be retained by, in the interest of Senator Stephenson.	1666
Crownhart, never knew of any efforts on the part of Wood to be retained by.	1666
Farrell, Regan said Shields asked him if he thought he (Farrell) would stand hitched; did not say that Shields said what he expected to do with him; did not write his name down in my book; spoke to Wood about.	1658, 1659, 1662, 1663, 1664, 1668, 1669
Kittle, never knew of any efforts on the part of Wood to be retained by.	1666
McConicha, John D., do not think he knew anything of the conversations between Regan and myself.	1673
Ramsey, Regan said Shields asked him if he thought he (Ramsey) would stand hitched; did not say that Shields said what he expected to do with him; did not write his name down in my book; spoke to Wood about.	1658, 1659, 1662, 1663, 1664, 1668, 1669
Regan, M. J.:	
Came to talk with me about Wagner; Wood came also, being a friend of Wagner; said Shields had sent him two telegrams to meet him and he met him at the Hotel Pfister; said he had come prepared and that Stephenson must be elected; said Shields had come direct from Washington from Stephenson, and had carte blanche to use any amount of money to carry through a certain deal; said he had telegrams in safe place.	1654, 1655, 1656, 1657, 1660, 1661, 1662, 1663, 1664, 1665, 1672
Did not say to me anything about having lost any telegrams; never heard anything about it until a long time after.	1665
Did not tell me that Shields assured him that he would be kept out of sight in Madison.	1659
Did not tell, what Wood had reported to me.	1659, 1660
Said he believed a part of what Wood said was true, but not that part which connected him (Regan) with the occurrence at the Plankinton Hotel.	1657
Said he had taken advice of an attorney (Ryan) as to Shields's proposition; attorney advised him to have nothing to do with it; do not remember time of this meeting, probably in September, 1909.	1655, 1656, 1657, 1659
Said Shields asked if he thought Farrell and Ramsey would stand hitched; do not know that he mentioned Towne.	1658, 1659
Told Wood I would testify to the truth as to his (Regan's) conversation with me, touching telegram Shields sent him.	1666, 1667, 1668
Wood cautioned me to keep quiet about matters affecting.	1670, 1671

South, Frank T., inspector on street work in Milwaukee, Wis., testimony of—Continued.

- Ryan, attorney at law, Regan said he consulted him as to Shields's proposition; did not put his name in my book..... 1655, 1659, 1663
- Shields, Regan told me he asked him (Regan) if he thought Farrell and Ramsey would stand hitched; do not know that he mentioned Towne.. 1658, 1659, 1663, 1664
- Shields, Robert, Regan told me of his (Shields) sending him two telegrams to meet him at Hotel Pfister, and he met him; Regan's conversation with; never knew where telegrams came from..... 1654, 1655, 1656, 1657, 1660, 1661, 1663, 1672
- Towne, do not know that Regan told me that Shields asked him (Regan) if he (Towne) would stand hitched; did not write his name down in my book..... 1658, 1659, 1663
- Wagner, Frank, made appointment with Regan to come to my office to talk with; Wood came, being a friend of; Regan believed a part of story of; I could not help but believe it..... 1654, 1656, 1657, 1660
- Wagner, never able to obtain any information of value from, as to who was behind him..... 1666
- Wood, Harry W.:
 Cautioned me to keep quiet about conversation in so far as it affected Regan..... 1670, 1671
 Conversation with, as to my testimony; I told him I would tell the truth; said he would see Regan and tell him what my stand would be; I said I would say Regan had received telegrams from Robert Shields; have a book at home with that name down in; spoke of the Ramsey and Farrell business..... 1666, 1667, 1668, 1669, 1670
 Never knew any efforts of, to be retained by Mr. Kittle and Mr. Crownhart, nor of his effort to be retained by Mr. Black in the interest of Mr. Stephenson..... 1666
 Visited Wagner two times at Waupun; reported results to me..... 1666
 Was present when he had conversation with Regan in Milwaukee on the question of the election of Senator Stephenson; Regan and I agreed to send him to see Wagner; do not remember that he asked Regan to pay his expenses to go to Waupun to see Wagner..... 1653, 1654, 1657, 1660, 1662, 1663, 1664, 1665

Stephenson, Senator:

- Charges against, specific..... 4, 5
- Checks used by, in primary campaign..... 1255, 2025
- Copies of letters stating that he could not, under the law, give any assistance toward the election of any candidate for the legislature..... 2038, 2039
- Counsel for, W. E. Black, C. E. Littlefield, H. H. J. Upham..... 1
- Letter of attorney general to, in relation to the filing of his expense account; his letters to secretary of state and attorney general inquiring about filing of expense account..... 58, 89, 90
- Personal letter book of..... 1255, 1257

Stephenson, Senator Isaac, testimony of..... 23, 909, 2103

- Account, did not keep one myself, showing persons to whom I paid this money and purposes for which it was paid; only my check book..... 51
- Account of expenses filed in February; not until after legislature elected me; knew in a general way that the other candidates had filed their accounts within 30 days subsequent to primary; attorney general said I need not file it until time I did file it; did not withhold it because of fact I had expended this large sum of money and it might influence electors.. 53, 54, 55, 2111
- Advertising, there were buttons with my photograph on sent all over; my qualifications were set forth in every newspaper in the State that they could get them into; I had nothing to do with that; do not know how much was paid to newspapers only in the general statement; know nothing about amount paid for advertising only as Edmonds made returns to me..... 30, 31
- Alexander, Walter, paid him check for \$588.30 on Corn Exchange Bank of Chicago, October 29..... 25
- Bancroft, H. L., elected to assembly in 1908; became speaker; I did not myself pay him anything; know of his being paid \$250 only as Edmonds reported it..... 39, 40
- Blank signed check, never gave one to any man..... 2108

Stephenson, Senator Isaac, testimony of—Continued.	Page.
Book account, showing details of expenditures, at no time asked them (Edmonds, Puelicher, and Van Cleve) to keep.....	56
Box, containing poll lists sent to Marinette, never saw it; never saw any correspondence contained in it; had no knowledge of contents or disposition of it until it came here during this hearing.....	2104
Business, have been lumber and timber business for some 71 years; now engaged in through corporations of which I am the head.....	2107
Campaign, left entire management of, to managers; for 10 days during, went on annual fishing trip and for about a week was on my yacht; had all my other business to attend to during those 60 days and it was very extensive; gave it very little attention; should have given it more.....	2113
Candidates for assembly or senate, did not at any time during general campaign make any contribution to, for any purpose; did not authorize anybody acting for me to make contribution to, in election of 1908.....	2105
Canvass, I was only in seven counties a part of the last five days of campaign; that is all I had to do with it; paid my own expenses; not included in any statement; did not exceed \$100.....	31, 2111
Cook, who ran against me came on stand and showed that a man can spend \$500,000 legally in one of these primaries here.....	54
Corruptly influencing legislature, never gave Hines or Shields or any man carte blanche to come to Wisconsin for purpose of; never gave any sum to any one for purpose of procuring the absence of three Democrats from legislature, March 4, 1909, or any other day, or of any other member....	2108
Eagle Printing Co., that is my own city daily paper, paid check of \$16, July 18; paid check of \$13.50, September 26, on Stephenson National Bank; first check to was for some advertising; do not know what it was.....	24, 25, 28
Edmonds, E. A.:	
Appointed him an agent to spend the money; authorized him to spend it for organization in 71 counties of State; Puelicher and Van Cleve, treasurers, were to pay him the money when he called for it; did not place any limit on amount they were to pay him; exceeded far beyond what I expected it would.....	23, 24, 30
Cautioned him to get along as cheap as he could; I did not want to throw my money away any more than was necessary; I asked him why he was spending so much; told me he had to do it to get the vote out and to get literature before them, and it cost a good deal to get the names and for postage.....	55
Check for \$5,000, July 18, on Stephenson National Bank was only money paid direct to, as I remember; do not know what it was expended for; gave him it to do what he pleased with and he spent it in the canvass, as I understand, and put some back to me; did not give it to him for service, but he wanted it so he could get it if Puelicher were absent..	24, 28, 46, 49, 50, 56, 57
Did not see him to exceed four times during the canvass.....	31
Expected him to make a canvass with the money given him; told him to keep within the law, at different times.....	41, 50, 53
First conversation with in reference to campaign was about first part of July; met him at Marinette; asked him to go to Milwaukee and meet Puelicher and Van Cleve; he said he would take charge of campaign and I said I would furnish money to Puelicher and Van Cleve and he could call on them; nothing said about what campaign would cost..	48, 49
Furnished me information on which I filed my account in about same form as it was filed; did not bring me a book or cards or slips of paper or memoranda showing it; I do not know whether it was the original account that he kept.....	58, 2112
Have known him 15 or 20 years; is in paper business; once in legislature from Oconto County; I asked him to take charge of campaign; no suggestion made by either of us about his being compensated; I do not know whether he was or not; think he devoted most of his time to my interests.....	44, 45, 46, 50
His testimony in relation to payment to him of \$2,400 in aggregate covering expenses incurred by him at the session of legislature when I was elected, and some expenses incurred afterwards is in accordance with my recollection of facts; did not spend a cent other than that in connection with legislative election; no account filed of that expenditure.....	2110, 2111, 2112
Told him to keep a correct account of everything; told him he must be specific about amounts paid and persons to whom paid.....	50

Stephenson, Senator Isaac, testimony of—Continued.

Page.

Eppling, came into my office and wanted some money for Lutherans at Watertown; Miss Stringham, my secretary, was sitting there and went out; I told him I would not give Watertown anything, but that I would give him \$200 for his church at Algoma in memory of Senator Stebbins; in meantime Miss Stringham came in and I told her to make out a check for \$200; she noted on the stub "Watertown"; it was a mistake; I did not give it for Watertown and did not ask him to work for me at all.....	909
Expended a hundred and seven thousand seven hundred and something dollars between time I announced candidacy and primary election, in connection with my nomination.....	23
Expenses for organizing outside Milwaukee County, \$53,729, know nothing about that only as you see it in account returned by Hambright.....	32
Greenwood, Alfred, paid \$125 in cash; was a cripple; dead now; he went into Kewaunee County and others and got names; gave money to him partly out of charity.....	25, 38, 39
Henning, E., advised me by telegraph my election occurred January 26....	2109
Hines, Edward, have known him about 15 years; business relations with; never had any conversation with me in connection with my election to Senate by Wisconsin Legislature; never discussed with me question of use of money in any way in connection with my election by legislature; did not state to me I would be likely to have "trouble" which could be relieved by payment of a sum of money and I did not agree to contribute \$55,000 for that purpose.....	2107, 2108
Howey, J. W., paid check of \$100, November 7, on Corn Exchange Bank..	25
Hutchinson, Fred, paid \$25 through Ludington Co., as far as I recollect, for obtaining signatures to nomination papers.....	37
Lambeck, called him up, I think, on telephone and asked him to ship poll lists to Marinette; do not know whether they were shipped.....	2103, 2104
Law, knew what it was during primary campaign; had a general idea; charged and cautioned all of them that were doing anything for me to be careful about and to keep within; knew it required me to make an account showing amounts paid, persons to whom paid, and purposes for which paid.....	53, 56
Letters, did not write any political campaign ones; might write a friend asking him to do what he could for me; did not write any in regard to any expenditure.....	57
McAllister, D. J., one of my foremen in my lumber mill, paid by the N. Ludington Co., which is one of my companies, \$110.50, and charged to my account; I think he went over into Oconto County and saw some of his friends—to vote for me, I guess.....	25, 37
McLean, J. A., August 8, paid check for \$20 on Corn Exchange Bank for getting names, I think, in Brown County; I never saw him; my secretary or somebody else may have paid him; I can not remember that; presume I signed the check, as I sign my checks.....	24, 28, 29
Madison, was only there the 16th of February, 1909, and gave my evidence there in the forenoon and afternoon.....	43
Marshall and Illsley Bank, had \$50,000 there in the first place; it was an open-account deposit; it was loaned to a flour man at Minneapolis and he paid it and it was lying there.....	51, 52
Members of legislature, never paid or authorized to be paid any money to any of them for voting for me for United States Senator; did not pay or authorize the payment of any money to any of them for absenting themselves or refraining from participating in the ballot; know of three members absenting themselves, only through the newspapers; never saw and had nothing to do with them.....	43, 44, 2108
Memorandum of money furnished to be expended in campaign, making in all \$111,385.49; know how a few items in were expended.....	24, 25, 28
Money, did not pay any person any in connection with my campaign between September 2 and the day of the general election for the purpose of influencing or working for me with the members of the legislature.....	43
Money, did not, to my knowledge, pay out any in connection with primary election other than the aggregate that has been shown here on record....	2110

Stephenson, Senator Isaac, testimony of—Continued.

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Money, I thought it was calling for a good deal of money, but of course I did not know what Edmonds wanted it for and I had absolute confidence in him and in my two treasurers, then and now, and I did not know anything about the detail and how they were using it, and did not know any of the time until they made their report; in a general way would say to them, "You are spending a good deal of money and I would get along with less".....	42, 43, 55, 56, 2112
Money, they tried several times to have me state how much I would put up; and I would not do that; I was going to pay the cost as it came along; at no time during campaign had I determined on any limit.....	2111
Morgan, J. Earle, paid check of \$2,550, November 7, on Stephenson National Bank; he did some work in Winnebago and, I think, Waupaca County to get out voters and circulate documents; is my son-in-law and has plenty of money of his own and I suppose did not send his bill to me until he got ready.....	2543
Patrick, L. S., my secretary, paid check of \$190.99, November 21, on Stephenson National Bank.....	25
Peterson, H. L., paid check of \$150, August 17, on Stephenson National Bank for circulating nomination papers; is a reputable citizen of Sturgeon Bay, Door County; do not know how many names he got or how long he was engaged in doing it.....	24, 29, 30, 37
Political promises or agreements, did not make of any kind in connection with primary campaign; did not authorize any of my representatives to make any of any kind; did not make any in connection with my election by the legislature in 1909, or authorize any person representing me to, and so far as I know none were made.....	2105, 2106
Postage, item of \$11,339 paid for; have no personal knowledge in regard to it.....	31, 47
Puelicher, all money given to, was to be paid over to Edmonds as he might need it.....	28, 30, 51, 52
Puelicher, cashier of Marshall & Illsley Bank, with Van Cleve, was a treasurer of money I paid to be used in campaign; no particular business relations with; I have some stock, and we do a great deal of business in that bank; managed my campaign in 1907 before the legislature.....	47
Puelicher, J. H., cashier Marshall & Illsley Bank, money paid to: July 30, check for \$10,000; August 7, check for \$30,000, Marshall & Illsley Bank; October 10, check on Stephenson National Bank for \$3,700; November 20, check for \$200, Stephenson National Bank.....	24, 25, 51
Puelicher, made first arrangement with, I think, about the 28th of June; did not see him; presume I wrote him to meet Van Cleve and Edmonds to arrange about campaign; told him to keep within the law; assumed he knew I would have to file an account.....	52, 53
Reynolds, paid him \$180 in cash; was for obtaining signatures to nomination papers; he did not make any charge, but I gave him that money; not sure he was a candidate for legislature when I gave him first \$80 in currency; asked him to get me some names and employ others; afterwards instructed secretary to send him \$100 in currency; knew then he was a candidate for legislature, but I gave it to him for getting these names originally.....	25, 37, 38, 40
Reynolds, Thomas, do not know anything about contribution of \$100 to him by State central committee during general campaign after primary; did not suggest or advise committee to make such contribution.....	2105
Sacket, Rodney, gave him check on Corn Exchange Bank for \$5,000 August 27.....	25
Settersten, A. J., paid check of \$26.10, September 14, for getting names in my own city, at 5 cents a name.....	25
Shields, Robert J.; have not any acquaintance with him that I know of; he said he saw me five years ago when I had an ulcer of the eye; I do not remember seeing him then; never had any conversation with him in relation to my election to United States Senate; do not remember any conversation with him of any kind; never gave him a signed check in blank to be filled in for use in connection with my election to United States Senate.....	2106, 2108

Stephenson, Senator Isaac, testimony of—Continued.	Page.
State central committee, think I contributed \$2,000 to, for general campaign fund; had no agreement with anyone connected with committee that any part of it or of any of their funds should be used for my personal interest; no understanding between Edmonds and myself that any acts of committee should be performed in my interest personally or as a candidate; think I gave the money to Edmonds.....	2104, 2105, 2110, 2111
Statement of my expenses in primary campaign, filed under the law February 11, 1909, given; shows amount placed in hands of Edmonds, Puelicher, Van Cleve, Sacket, Brown, and others as \$111,385.49; expenditures accounted for, \$107,793.05; have no personal knowledge of items in, except that of \$225.06 for getting names to nomination papers. 26, 27, 32, 37, 41	
Stevens, never knew anything about efforts to get his bank at Lancaster a depository for State funds.....	2104
Stronach, H., paid him check of \$26, September 3, on Stephenson National Bank, for getting names in my own city.....	25
Tariff upon lumber, my attitude toward, in 1909.....	2109
Treasurers, appointed J. H. Puelicher, cashier of Marshall & Illsley Bank, and J. A. Van Cleve as.....	24
United States Senate, first elected to, 26th of January, 1909; became a candidate for, in June, 1908; was then a Member of, having been elected to fill an unexpired term on the 17th of May, 1907.....	23, 48, 2109
Van Cleve, all the money that was given him was to be given to Edmonds, my manager, as he might need it.....	30, 51
Van Cleve, business relations with; with Puelicher, was treasurer of money I paid to be used in campaign.....	47
Van Cleve, J. A., money paid to, by me: June 28, check on Stephenson National Bank, \$2,000; July 6, check on Marshall & Illsley Bank, \$10,000; August 20, check on Corn Exchange Bank, Chicago, \$15,000; August 24, check on Corn Exchange Bank, \$10,000; August 31, check on Corn Exchange Bank, \$2,000; September 3, check on Corn Exchange Bank, \$13,500; November 28, check on Stephenson National Bank, \$71.35; cash paid through H. J. Brown, \$792.75.....	24, 25, 27
Vandersee, Frank, do not remember any such man; did not authorize him to make any negotiations or promises in my interest.....	2106
Wellensgard, C. C., know nothing about him at all; that is, about money he received in connection with my campaign.....	40, 41
Wells Building, think they had 15 or 20 persons there sending out letters; I was in there twice and that is all; I saw a good many there; that was under direction of Edmonds.....	48
Stevens, L. H., banker, Lancaster, Wis., testimony of.....	1295
Bank books, there are certain transactions that have always been carried by us as spindle items—that is, just transient—where they do not go through the books; first entered on piece of paper and paper is put on spindle; did not have a spindle account for Stephenson money. 1296, 1297, 1311	
Blaine, Senator, I know him; did not state to him at any time in any form or language that I was doing work for Stephenson, organizing, and picking off Hatton and McGovern men.....	1308, 1309
Compensation, kept \$200 of Stephenson campaign money for my own use; pursuant to an arrangement; received that probably a month after the primary; think I made arrangement for, with Edmonds.....	1302, 1312
Draft for \$28.92, received August 5, spent for small expenditures made in going over county and a trip to Milwaukee; sent them a statement for it... 1298, 1307	
Drafts received from Stephenson fund, I cashed in my bank; sent to Chicago or Milwaukee for collection; whole record of, is kept; indorsed by me; could tell from books of bank when received and amount; did not bring memorandum of those facts here; did not think it necessary.....	1297, 1298, 1308, 1309
Edmonds, first knew him in August, 1908; came to Milwaukee pursuant to conversation with McMahon to talk over Stephenson matter with him; in same conversation early in August took up with him question of getting State deposit for me.....	1301
Edmonds, I had some correspondence with him in reference to securing the depository; I think I destroyed it just about as I received it or shortly afterwards; did not keep copies of letters I wrote; believe he reported to me he had taken it up with the commission and with the secretary of state.....	1304, 1305

Stevens, L. H., banker, Lancaster, Wis., testimony of—Continued.	Page.
Edmonds, think I received all told about \$900 from him; think it was all sent to me; did not keep an account of it; can not give dates sent; it ranged from August 5 to middle of October; have nothing to indicate exact amount received; testified before legislative committee it was \$800; may possibly have been; all received by check.....	1296, 1303, 1306, 1307, 1310
Grant County, list of men employed there prepared from memory, given; shows amounts paid, but not dates.....	1305
Grant County, money all expended there; had workers at the polls as far as I could cover the county.....	1303
Jensen, F. P., paid \$50 or \$60 for livery and expenses for workers at Plattville.....	1306
Lancaster, have resided there four years.....	1295
Law requiring candidates to file expense accounts, knew there was one; Stephenson had the amounts he sent.....	1311, 1312
Lowry, a letter was written by me to voters in Grant County and published in his paper, the Grant County Herald, in the last publication before the primary, and mailed to every voter in county; that was what \$200 paid him was for; he did the mailing.....	1305, 1306
McLaughlin, \$40 paid him was for expenses in Cuba City and Hazel Green and surrounding territory, securing workers at polls and talking up Stephenson sentiment.....	1306
McMahon, Edward, was first man to come to see me about supporting Stephenson; I did not make matter of securing State deposit for my bank a condition precedent to support.....	1299, 1300
McMahon, first conversation with, I mentioned subject of State depository first; told him I was working for it; asked him if he could help me any; he said he would do what he could; he wanted me to aid Stephenson's canvass; both agreed to help one another; said he wanted to get workers to organize county for Stephenson, in each precinct, if necessary; I agreed to do it.....	1304, 1305, 1312
Madison, was there two days during senatorial contest in legislature; was there when investigation was going on; did not have any conversation with any of the members of legislature in regard to election of a United States Senator.....	1302
Memorandum, have none showing items or details of disbursements; did not keep one of names and amounts when I was disbursing money.....	1309, 1311
Meyer, Richard, heard he was working for Stephenson in Grant County..	1304
Money all spent before primary day in promoting or working for Stephenson; except \$200 received for compensation.....	1298, 1302, 1303, 1310
Money, carried Stephenson funds in my pocket in cash; did not enter it on any piece of paper.....	1297
Money, none spent by me, or as far as I know, by men to whom I disbursed it, for purpose of bribing or corruptly influencing electors.....	1310
Money unaccounted for, I think, was my expense in traveling around over the community during a good deal of month of August; traveled by team and auto; used my own auto; included hotel fare and lodgings; circulated some literature and put up advertising as I went around; do not remember that I hired anyone else to do it.....	1309
Public office, have never held one in State of Wisconsin.....	1302
Puelicher, met him; did not have conversation with him on subject of rendering account; did not talk to him about State depository.....	1308
Sacket, talked to him about question of State deposit; he said they could not promise the depository; think he said in substance he had no authority to make any political promises.....	1308
State deposit for my bank, secured in February, 1909; had McMahon, Edmonds, and my father help me, and J. P. Chandler, who was assemblyman at the time Treasurer Dahl was in the assembly went with me to Madison to interview the committee; continued to receive deposits from State until last January; withdrawn as soon as Gov. McGovern took his chair; received about \$20,000 on deposit by this arrangement. 1300, 1301, 1302	
Stephenson, commenced to support him first of August; did not talk in favor of another candidate in June and first half of July to anyone.....	1299
Stephenson, did not have any conference with him on subject of rendering an account.....	1308
Stephenson, do not know when I first expressed myself in favor of his candidacy; did not do any work for him before McMahon came there; had not announced I would support him before then.....	1300

Stevens, L. H., banker, Lancaster, Wis., testimony of—Continued.	Page.
Stephenson's campaign in 1908, participated in.....	1295
Storrs, paid \$25 for money expended for workers in and around Fennimore..	1305, 1306
Sum of \$200 received day before election I think I spent for workers and for expenses in the election and for livery hire.....	1303
Tiller, W. C., paid \$40 for his teams on day of primary, if it was deemed necessary, but we did not use them.....	1305, 1306, 1307
Weller, William, never paid him anything for livery purposes.....	1311
Stone, James A., letter to Hon. John J. Blaine, dated Jan. 22, 1909, in regard to investigation of Stephenson.....	1480
Stone, John W., Minneapolis, Minn., testimony of.....	1313
Bowman, gave him \$500 in Milwaukee the day I received money, \$500 in city of Madison some time in August, and gave him check for two hundred and some odd dollars at another time.....	1315
Bowman, H. A., game warden; paid him \$1,280 to be expended for ordinary election work in different parts of State where he was located; he did not return any of this money.....	1315, 1316, 1317
Brown, F. B., game warden; paid him for campaign use, \$50.....	1316, 1317
Craig, John, of Superior, game warden; paid him, for campaign use, first \$75, then \$82.....	1316, 1321
Dart, G. W., game warden; paid him for campaign use, \$50.....	1316, 1317
Edmonds, M., as result of conversation had in Milwaukee, Mr. Sacket gave me \$2,500, the amount I had suggested.....	1323
Edmonds, sent me a draft, in full, for \$349.50.....	1320
Fridley, at Superior, was paid \$140 for campaign use.....	1321
Game warden, served as, in State of Wisconsin two years, June, 1907 to 1909; Salary \$1,800 a year.....	1313, 1317
Gerhart, Fred, game warden, paid him \$200 for campaign use.....	1316
Gordon, paid him \$25 for campaign use.....	1316
Hulbert, A. J., game warden; paid him \$10 for campaign use.....	1316
Kolb, G. C., game warden, paid him for campaign use, \$50.....	1316, 1317
Memorandum, had only partial one at time of expenditure.....	1318
Money, have no personal knowledge of what was done with, I paid to men..	1317
Money, none was spent to my knowledge, nor did I spend any for purpose of bribing or unlawfully influencing any voters in interest of Senator Stephenson.....	1324
Money was given me to be expended in interest of Stephenson's primary campaign; to be used at my discretion.....	1315
Ordinary election work, meant team hire, putting up lithographs, seeing that the vote was gotten out, etc.....	1316
Pierce, E. W., paid him \$10 for campaign use.....	1316
Porter, W. T., paid him for campaign use, first \$25, later \$80.....	1316, 1321
Sacket gave me \$2,500 in currency in one package in Wells Building at headquarters Milwaukee; counted money and gave receipt.....	1313, 1314
Sather, J., paid him \$10 for campaign use.....	1316
Stephenson, had conversation with, in Marinette prior to making the arrangements with Mr. Edmonds; asked him if he was candidate for re-election; said he was; promised him what support I could give.....	1322, 1323
Stephenson, no mention was made of any money I was to receive for use in campaign.....	1323
Stores, A. E., game warden; paid him for campaign use \$20.....	1316, 1317
Tate, F. A., paid him \$20 for campaign use.....	1316
Tuttle, E. W., game warden; paid him \$75 for campaign use.....	1316
Stover, James H., attorney at law, Milwaukee, Wis., testimony of.....	1593
Puelicher; Wagner claimed he brought the money into the room.....	1595
Regan, Matt; Wagner said he distributed the money.....	1595
Wagner, Frank T., about the 9th or 10th of March, told me a story of having looked over a transom of room 325 in the Plankinton Hotel, and seeing certain members of the legislature receiving money; connected Matt Regan with the occurrence; claimed Mr. Puelicher brought the money into the room; told the same story three different times; was afterwards convicted of perjury.....	1593, 1594, 1595
Stringham, Miss Mary F., secretary to Senator Stephenson, Marinette, Wis., testimony of.....	1812
Box, understood was sent direct from Wells to Milwaukee; never was told it was sent back to Marinette from Wells or Escanaba; do not know what became of contents beyond letters and campaign buttons.....	1819, 1820

Stringham, Miss Mary F., secretary to Senator Stephenson, Marinette, Wis., testimony of—Continued.	
Box, wooden, containing letters, papers, etc.; first saw in warehouse of N. Ludington Co., of which Senator Stephenson is president; do not know who receipted for it when it came; looked through and had letter files and box of campaign buttons; nothing else; carried into office; had been opened before by mistake; nothing removed....	1812, 1813, 1814, 1818, 1820, 1821
Lambeck, messenger for Stephenson; wrote letter from Washington, after holidays in 1909, to find certain letter and forward to Senter Stephenson there; thought letter was in box at warehouse shipped from headquarters; think he was mistaken about it being there.....	1813, 1815, 1818, 1821
Letter, instructed to find, do not know what was about; do not recall name from whom it was.....	1821
Letter files, indexed; five or six; looked through; could not find letter wanted; stacked them in vault of Senator's private office until was instructed to take them out.....	1815, 1818, 1820
MacLean, R. E., superintendent of I. Stephenson Co. at Wells; came personally after letters in files; did not go over them so far as I know; brought suit case; do not know what happened to them after he took them away; never saw them again; took letters under direction of attorneys.....	1816-1821
Russel, attorney in office of Cary, Upham & Black, gave orders for files to be gotten out and ready to send to Wells by MacLean, when he came; never went through letters and papers in vault to my knowledge.....	1816, 1818, 1820, 1821
Stephenson, Senator, secretary to, now and in 1909 and 1910.....	1812
Sturtevant, John L., Wausau, Wis., affidavit of.	2016
Age, 46 years.....	2016
Money not paid for advertising for purpose of corruptly or unlawfully influencing or bribing Post, or any person connected with.....	2016
Stephenson, personally a supporter of; supported him in his campaign for the Senate in 1907.....	2016
Waupaca Post, during primary campaign was owner of; for special advertising in interest of Stephenson and sending out large number of copies to voters, received \$100 from campaign headquarters; was reasonably worth that sum; paper supporter of Stephenson several months prior to time special advertising was run; payment in no way influenced general support of paper or affiant.....	2016
Subcommittee appointed to investigate charges against Senator Stephenson.....	II, 4
Report of, to the full committee.....	VII
Sutherland, Senator George, and Senator Atlee Pomerene, views of.....	XXVII

T.

Testimony, as to committee reopening case and receiving additional.....	1992
Thayer, L. W., owner of real estate, Ripon, Wis., testimony of.	934, 1752
Accounts, I keep them in connection with my ordinary business; generally make memoranda of business transactions; some things I do not record.	937, 938
Burgess, L. A., Ripon, hired his automobile; think I was two or three days in his machine; he was with me; made a one-day trip to Green Lake and from there to Markesan and Waupun; we carried Stephenson lithographs and literature; engaged various parties in different precincts to organize and distribute literature; think I paid him \$20.....	937, 945, 946, 947, 948, 1753
Burke, Jere, Ripon, gave him \$5, I think.....	1754
Business college, attended in 1876 or 1877; I could not tell amount paid for tuition.....	938
Campaign, I spent practically all of my time after I began to do this work until primary election day.....	948
Cast my first vote for Rutherford B. Hayes; cast my last vote for President Taft.....	938, 939
Check for \$100, payable to "cash," was sent to me at Northwestern station by James L. Stone, cashier, in response to a telephone call of mine; he brought the check or sent it down, and I signed it there in the station and he gave me the cash then.....	942
Check for \$150, received from bank September 2, 1908.....	943
Checks, show how I withdrew money from bank; looked them up to see if I could not refresh my memory, because I was subpoenaed before this committee; have checks and bank book with me; given as exhibits.....	941, 942, 943, 952

Thayer, L. W., owner of real estate, Ripon, Wis., testimony of—Continued.

Competition, there was an active campaign for other three candidates in that district.....	950
Edmonds, I received \$600 from him to organize western half of Fond du Lac County and take up work in Green County; had done some work and disbursed some money there before I received the check from him..	934, 936, 944, 1752
Expense account, I knew that the candidate was required to file one; since no request was made of me to keep an itemized account, I took it for granted that the candidate would file his account from office expenditures; I thought from the custom of filing reports that the mere statement that the candidate had paid me \$600 would be a sufficient designation of the item.....	936
Items accounted for amount to somewhere about \$180 to \$185.....	1754
Laws of Wisconsin, had a passing knowledge of one that defines one's action in campaigning.....	936
Memorandum, never had one of the sums paid out.....	934, 1752, 1754
Men, employed 30 or 40 in various precincts for purpose of looking out for the vote on election day, canvassing, and with rigs to get voters out; not always employed by me directly; I should think that cost me anywhere from \$250 to \$300 for the entire district; believe \$150 paid out to persons I can not recall.....	940, 941, 944, 949, 950, 951, 1754
Money, I paid out a large amount of it to other men; can not give the name of any person to whom I gave it or the amount, only by guesswork.	934, 935, 940
Money, none spent by me, or within my knowledge by anyone to whom I intrusted it, either directly or indirectly, for purpose of bribing or corruptly influencing voters.....	952
Morse, Roy, Fond du Lac, an attorney; asked me if I would not take part in organization of western part of Fond du Lac County; I agreed to do so.	945
Organizing, defined, I mean to have men talk to electors with reference to qualifications of candidate, to distribute literature and get out the vote..	934
Personal expenses, including livery, auto hire, hotels, and entertainments, I would figure at \$200.....	936, 937, 1755
Public offices held, I was elected to the State assembly in 1892; elected to senate in 1894; member of county board for eight years; was chairman of that board two years.....	949, 950
Reed, Roy, Ripon, gave him \$10, I think; did work for Stephenson west of Ripon.....	1753
Ripon, has four precincts; I vote in the fourth.....	939
Saloons, left literature in very many of them; we would go into a saloon with literature, and the first thing that would occur would be, probably, finding 10 or 15 people in there, to invite them either to a smoke or drink; that might have cost \$100 on automobile trip, going from Markesan to Waupun.....	939, 940, 947, 948
Schrader, F. P., Markesan, I think I gave him \$15; understood he was friendly to Stephenson and I went down to see him, and he said he knew a number there who were favorably inclined and he would take it up with them.....	947, 1752, 1753
Scribner, Wynne, El Dorado, think I gave him \$20; was a Stephenson man; he distributed literature, and got those who seemed to be friendly interested in campaign.....	935, 936, 940, 944, 1752
Stewart, Arthur, gave him \$35 or \$40; worked for Stephenson in city of Ripon; looked after carriages, and I am not sure, but the poll work....	1753
Sullivan, T. G., had been doing considerable work for Lyons; was favorable to Stephenson; gave him, I think, \$30 or \$35; was to go for his services or as he might feel disposed to disburse it; had confidence in him; did not instruct him with reference to expenditure.....	1753, 1754
Sum of \$600, when I received it I took \$300 of it in cash with me on trips through district, \$300 was left in the bank, deposited I think, Aug. 28, 1908; I drew on that \$100 at one time and \$150 at another; I think there was \$50 in the end, kept for my own compensation.....	937, 941, 942, 943
Trips, I went with buggy quite a good deal and with autos; I covered the district pretty well; there were 41 precincts in the district.....	948
Williams, David, Green Lake, gave him, I think, \$15 or \$20 to work for Stephenson.....	1753

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Tilton, Lester, Chicago, testimony of	1090
Aylward, J. A., my letter to, January 21, 1909; I think Ring is party referred to in letter.....	1093, 1094
Aylward, testimony before joint investigating committee in regard to my letter to him.....	1095, 1096
Blaine, John J., eleventh specific charge by, is not true, any part of it....	1091
Brown, I think I supported him for United States Senate; supported Democratic ticket.....	1096
Campaign funds, did not handle any for anyone during 1908 primary.....	1093
Candidate, I was not one for nomination for legislature; they did talk to me about being one; I do not know that they especially talked about Stephenson, thought they did about him and about others.....	1091
Money; did not receive any from Stephenson or his campaign committee..	1090
Money, none promised me any to assist me in being nominated or elected as a member of legislature in the interest of Stephenson; they did not offer me any for campaign expenses.....	1091, 1096
Neillsville, Wis., resided there during year 1908.....	1090
Republican; I had been one and am practically still one, but not a "half breed;" not approached as one to be converted from Democracy to Republicanism; I was supposed to be what they call a stalwart up there..	1097
Ring asked me, I think, if I would work for Stephenson; conversations with, were before the primary; I think he offered to pay services or something of that kind; this conversation later, I think, than one in which he tried to persuade me to become a candidate against Bradford.....	1094
Ring, M. C., conversations with, as testified to before joint investigating committee.....	1094, 1095, 1096
Ring, we lived on the same street in Neillsville; we talked, I think, two or three different times about C. M. Bradford, who was then running for the assembly; he was not friendly to Bradford and wanted me to run; told him I did not care to run for assembly, and if I did I would pay my own expenses; he said if I would run and get out and help him he would see what aid could be had; was a stalwart; not positive he favored Stephenson then; think he did later.....	1091, 1092
Stephenson, I did not support him at any time.....	1097
Stephenson campaign, did not take any part in it.....	1090
Towne, Silas R., member of Legislature of Wisconsin in 1909, Laval, Wis., testimony of	1407, 1470, 1734
Absence from joint session on March 4, 1909, when vote was taken:	
Do not remember details of, trifling incidents are hard to remember definitely after a long period of time.....	1413, 1414, 1415, 1416
Had no conversation with anyone about, until day afterwards; some reporter attempted to interview me.....	1409
No one offered me money either before or after, for being absent; absence was accidental and partly due to indifference..	1411, 1471, 1472, 1473
Not present when vote was taken; do not know where I was; knew the vote was to be taken.....	1407, 1408, 1410, 1412
Talked with Keller about.....	1413
Am not under the influence of liquor to any material extent.....	1417
Bribery of, no one offered money either before or after election for being absent.....	1471, 1472
Bribery of, paid no particular attention to charge, but think I arose to question of privilege; do not recollect what I said.....	1476, 1477
Bribery of, Wagner's testimony was first charge I heard against myself, though there had been rumors that certain members had been bribed.....	1472, 1476
Democrat, always vote for.....	1408
Democrats, combination of, with half-breeds to prevent election of Senator Stephenson.....	1485, 1486
Democrats had a caucus and leader, but I did not recognize him as such..	1473
Election of, received 1,511 votes, 81 more than Davidson, candidate for governor.....	1484
Hughes, John, I am sorry to say I know him.....	1491
Hughes, never informed me that there was any prospect of electing a Democrat.....	1485
If I had been a Republican I should have voted for Senator Stephenson; knew Democrat could not be elected.....	1485

Towne, Silas R., member of Legislature of Wisconsin in 1909, Lavalley, Wis., testimony of—Continued.

- Ingram, was leader of the half-breeds; told him I was a Democrat; I said if you fellows will join with the Democrats and help elect some good Democrat, you fellows can name the Democrat; if you will do that I will stay with you to prevent an election, or go out with you to break a quorum; he said that if Stephenson was proven unworthy he would agree to go into joint caucus; I said "that is damned easy" 1412, 1482, 1483
- Keller had a conversation with me at some time with respect to voting for Senator Stephenson, or absenting myself, or something..... 1413
- Milwaukee, never in, prior to March 4, 1909..... 1734
- Stone, had a chattel mortgage on farm; reduced by installments..... 1486, 1487
- Stone, James A., do not know whether I said he was pressing me on the mortgage on my farm; and do not remember giving that as a reason for refusing to act with "them" (meaning the friends of Stephenson) to W. W. Power, who I do not remember ever knowing..... 1478
- Stone, said it might not be safe to continue loan to me as I was dipping in politics; loan was for about \$2,800; now transferred to State Bank of Lavalley..... 1481, 1482
- Stone, was interested in defeating the election of Senator Stephenson; letter of, to John J. Blaine as to investigation; was attorney for people who loaned money on a mortgage on my farm..... 1480, 1481
- Strange, John, am not sure I heard his speech on March 4..... 1491
- Wagner, his testimony first charge of bribery against myself that I heard... 1472, 1475, 1476
- Wayland, C. C.:**
- Entered cloak room with him shortly before convening of session; remained about 20 minutes, and do not recollect what was said about anything except that I didn't want to meddle in Republican politics; don't know whether anything was said about balloting going on at that time..... 1472, 1473, 1474, 1477
- Former testimony as to conversation with, discussed; details of conversation as set forth in former testimony..... 1488, 1489, 1490, 1491, 1492
- May have talked with him about mortgage on my farm..... 1477, 1478, 1479, 1497, 1498
- Talked with, on March 4 relative to attending or not attending the session, part of the time in room adjoining assembly chamber, part in the corridor, and in a cloak room; did not decide to be absent, but was absent through lack of interest in the result of the election..... 1470, 1471, 1473
- Talked with him relative to the election of a Senator; do not remember the exact discussion, but he was urging that the election of Senator Stephenson would be a benefit and ought to be brought about, and I made an occasional comment..... 1411, 1470, 1474
- Trunk, containing correspondence, poll lists and mailing cards relating to Stephenson campaign..... 1215, 1254-1256, 1691, 1692, 1788-1795, 2082, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103
- Turkish, Henry, as to testimony of; to be put in the form of an affidavit..... 1512, 1690, 1691, 2024, 2025
- Turkish, Henry, lumber business, Duluth, Minn., affidavit of..... 2031**
- Boutell, think in the course of the conversation with Hines his name was mentioned..... 2034
- Cook, known of his unpleasantness with Hines..... 2031, 2032
- Cook, some time in December, 1910, or the 1st of January, was in the buffet car going from Madison to Duluth, and he asked me if I remembered the conversation in the Grand Pacific Hotel..... 2034, 2035
- Cook, Wirt H., interested with him for about 15 years; personally friendly Grand Pacific Hotel, conversation between Hines, Cook, and myself in the early part of May, 1909..... 2032, 2033, 2034
- Helm committee, after my name was used at, I did not talk to anyone about my memory of the conversation in the Grand Pacific Hotel..... 2035
- Hines, asked him what progress he was making with the tariff on lumber... 2033
- Hines, Edward, known him possibly seven years; had no unpleasantness with him..... 2031
- Hines mentioned the name of Lorimer in conversation in the Grand Pacific Hotel..... 2033
- Lorimer, Senator, have no feeling of prejudice against him..... 2032

Turkish, Henry, lumber business, Duluth, Minn., affidavit of—Continued.	Page.
McCordic's office, never been in.....	2034
O'Brien, William, discussed with him the conversation had in the Grand Pacific Hotel.....	2035
Portland, Oreg., now at.....	2031
Stephenson, name mentioned in conversation in the Grand Pacific Hotel; I said to Hines, "Mr. Stephenson, being a lumberman, is all right, isn't he?" He said, "No, Stephenson is an uncertain quantity;" that he had done business for him for 20 years or more, and that he really did not know where he stood on the lumber question; he was undecided; do not remember any reference as "old Stephenson" in that conversation..	2033, 2034
Witness, sworn as before a committee of the United States Senate at the Senate Office Building, in Washington, D. C., on Monday, July 17, 1911; there testified to a conversation which Wirt H. Cook had previously testified to as occurring between affiant and Edward Hines at the Grand Pacific Hotel, Chicago; testimony before said committee given.....	2031
Tuttle, Emery W., mason and bricklayer, Oconomowoc, Wis., affidavit of.....	2016
Account of expenditures, kept none; never called upon for any.....	2017
Age, 60 years.....	2016
Bowman, Harry, received \$125 from; understood had money for use in Stephenson campaign.....	2017
Campaign work in five townships of Waukesha County in primary contest..	2017
Money, all received disbursed legitimately.....	2017
Money not disbursed for the purpose of corruptly or unlawfully influencing or bribing any person.....	2017
Oconomowoc, resided in, about past 60 years.....	2016
Precinct workers, about \$50 to \$65 spent for services of; unable to remember names of all; does remember names of four; instructions given to....	2017
Stephenson, work done for, before any money received; at all times in favor of reelection of; money received had nothing to do with personal support of affiant and his son.....	2017
Stone, J. W., received \$75 from; understood had money for use in Stephenson campaign.....	2017
Traveling, about \$140 to \$150 spent by affiant and son, and for conveyances, for expense of circulating literature and putting up lithographs, and hotel expenses, entertainment, and cigars.....	2017
Tuttle, Arthur C., son, assisted by, who devoted several weeks also to campaign, traveling in said towns and through the county, and advocating Stephenson, putting up literature, and engaging men to be at the polls on primary day.....	2017
Twohy, D. W., telegram to, in regard to his meeting Robert J. Shields in Chicago and having alleged conversation with, three or four days before election of Stephenson; reply stating he has not seen Shields for several years; reason for his not being called before committee.....	1947

U.

Upham, H. H. J., attorney at law, Milwaukee, Wis., testimony of.....	1972
Affidavit of Senator Stephenson as to paying out \$111,385.49 to Edmonds, Puelicher, Van Cleve, Sacket, Brown, and others, and the disbursement of \$107,793.05 of that amount; did not dictate form of.....	1980, 1981, 1984
Barnes, discussion as to expense account of primary election. 1988, 1989, 1990, 1991	
Brown, H. J., did not render any statement to me as to the disbursement of the \$107,793.05, or any part thereof.....	1981, 1982
Brown, paid J. A. Van Cleve \$702.75 out of rents he collected for Senator Stephenson.....	1975
Cook, discussion as to expense account of primary election; time of filing, etc.....	1983,
	1984, 1985, 1986, 1988, 1989, 1990, 1991
Edmonds, did not discuss with him the question of his accounting for any money he paid out.....	1978
Edmonds, did not render any statement to me as to the disbursement of the \$107,793.05, or any part thereof.....	1981, 1982
Edmonds, think some checks had been given to; do not think I went over statement of account produced by.....	1973, 1976, 1977

Upham, H. H. J., attorney at law, Milwaukee, Wis., testimony of—Contd.	Page.
Expense account, statement of Stephenson:	
Did not dictate form of.....	1904
Had seen Hatton's, Cook's, and McGovern's accounts, and also Judge Barnes's and Timtin's; the Stephenson account conforms largely to those.....	1983, 1984, 1985, 1986, 1988, 1989, 1990, 1991
Itemized account of expenditure of \$107,793.05.....	1979
Know nothing of destruction of original items of account.....	1987, 1988
Was approved by me, and was an attempt to comply with the law of Wisconsin as to the filing of expense accounts of the primary; had examined statements of other candidates.....	1980, 1981, 1982, 1983, 1984, 1985, 1986
Was trying to have it conform to the practice which had grown up; was some difference of opinion among lawyers as to time it should be filed; do not think I consulted with Senator Stephenson on the subject; did not give an opinion on subject to Sackett or Edmonds.....	1985, 1986
Greenwood, Senator Stephenson paid personally \$125 to.....	1973, 1974
Hatton, discussion as to expense account of primary election; time of filing, etc.....	1983, 1984, 1985, 1986, 1988, 1989, 1990, 1991
Hutchinson, Fred (N. Ludington Co.), paid personally \$25 to; was a worker for Senator Stephenson.....	1974, 1975
Hutchinson, Senator Stephenson paid personally \$25 to; was a worker for Stephenson.....	1974, 1975
Hyzer, E. M., was a member of our firm; has never been in the legislature to my knowledge; appeared before the legislative investigating committee as an attorney representing our firm for Senator Stephenson.	1972, 1973
McAllister, was paid \$110.50 by the N. Ludington Co., and charged to the account of Senator Stephenson.....	1975
McGovern, discussion as to expense account of primary election; time of filing, etc.....	1983, 1984, 1985, 1986, 1988, 1989, 1990, 1991
Money:	
Amount of, that Senator Stephenson paid personally was as follows: T. Reynolds, \$180; Greenwood, \$125; Fred Hutchinson (N. Ludington Co.), \$25; H. J. Brown took \$792.75 from rents he collected for Senator Stephenson, and paid it to J. A. Van Cleve.....	1974, 1975
Do not know that Senator Stephenson followed the payment of, any further than the first payment; I never was consulted about any that was paid out by Stephenson's managers.....	1978
Do not think the statement of the expenditure of the \$107,793.05 complies with laws of Wisconsin, as strictly construed, but does comply with the practice that seems to have grown up among candidates as to filing returns.....	1980, 1981
I had nothing to do with the \$107,793.05; that shows what Mr. Sackett and the others disbursed; I did not revise or prepare the statement about it.....	1979
I undertook to get together the sum total of the funds that Senator Stephenson parted with; found that he had parted with \$111,385.49 on all accounts for the primary election; this did not include the \$2,000 or \$2,500 that he contributed to the State central committee....	1973, 1974
I went over the items of expenditure with Senator Stephenson; do not believe I went over the statements produced by Sackett and Edmonds; their statement was complicated, so I went to Senator Stephenson's office at Marinette and got the statement of expense that I have read from his private book.....	1975, 1976, 1977
List of checks and amounts paid to various people; no controversy as to genuineness of checks.....	1975, 1976
Never advised on the question as to whether Senator Stephenson, by stating the persons to whom he paid the sums, might comply with the law.....	1977, 1978
Practice of accounting for expenditure of, in primaries and elections; question of the statement and affidavit of Senator Stephenson as to campaign expenditures discussed.....	1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990
Statement of the expenditure of \$107,793.05; itemized.....	1979
Puelicher, did not discuss with him the question of his accounting for any money he paid out.....	1978
Puelicher, did not render any statement to me as to the disbursement of the \$107,793.05 or any part thereof.....	1981, 1982

Upham, H. H. J., attorney at law, Milwaukee, Wis., testimony of—Continued.	
Puelicher, think some checks had been given to.....	1973
Reynolds, Senator Stephenson paid personally \$180 to.....	1973, 1974
Sacket, did not discuss with him the question of his accounting for any money he paid out.....	1978
Sacket, did not render any statement to me as to the disbursement of the \$107,793.05 or any part thereof.....	1981, 1982
Sacket, do not think I went over statement of account produced by... ..	1976, 1977
Timlin, discussion as to expense account of primary election....	1989, 1990, 1991
Van Cleve, did not render any statement to me as to the disbursement of the \$107,793.05 or any part thereof.....	1981, 1982
Van Cleve, J. A., was paid \$792.75 by H. J. Brown and charged to the rents collected for Senator Stephenson.....	1975
Vandersee, do not know him.....	1984

V.

Van Cleve, John A., in real estate and banking business, Marinette, Wis., testimony of.....	136, 568
Brown, Harry J., turned statement of campaign expenses in Marinette County over to; gave me a check for it after campaign was over; was Stephenson's son-in-law and I presume it likely he showed my expense account to Stephenson; do not know of any funds paid out by Mr. Brown other than Marinette County expenses.....	145, 148
Campaign committee, duties on; I acted as home member of that committee. Mr. Puelicher and Mr. Edmonds were in Milwaukee and I was in Marinette	137
Campaign committee, shortly after announcing candidacy, Stephenson appointed Mr. Edmonds, Mr. Puelicher, and me as a committee to look after his campaign; appointed either at Marinette or Milwaukee; members not all together at time; consultation with Stephenson in regard to shortly after candidacy announced.....	137
Campaign expenses, I did not furnish any money to speak of for; not more than \$15 or \$20.....	145
Campaign expenses, large part went for advertising and postage.....	141
Campaign fund, know of no other disbursements than \$52,500 in six checks to Puelicher, \$792.75 that I disbursed in Marinette County, and \$71.35 sent to C. H. Ross, of Cavour.....	149
Check for \$2,000, August 31, received from Stephenson; on Corn Exchange Bank; indorsed over to Marshall & Ilsley Bank and sent to Puelicher..	143
Check for \$2,000 received from Stephenson, drawn on Stephenson National Bank, of Marinette, in my favor; indorsed over to Puelicher by me and sent or handed to him June 28; do not know what he did with it; not stated to be for advertising; do not know what Stephenson said when he gave it to me, except that I do know it was for campaign purposes....	138, 141, 144
Check for \$10,000, July 6, on Marshall & Ilsley Bank of Milwaukee, drawn by Stephenson to my order; indorsed to and sent to Puelicher; have no knowledge of what he did with it; only check that was on \$50,000 fund in Marshall & Ilsley Bank.....	139, 144, 149
Check of \$10,000, August 24, on Corn Exchange Bank of Chicago, drawn in my favor; indorsed over to the Marshall & Ilsley Bank and sent to Puelicher.....	143
Check for \$13,500, September 3, on Corn Exchange Bank of Chicago, received a day or two after the primary; indorsed over to Marshall & Ilsley Bank and sent to Puelicher.....	144
Check for \$15,000, August 20, on Corn Exchange Bank of Chicago; given me by Stephenson; I indorsed it over to the Marshall & Ilsley Bank and sent it to Puelicher; can not remember conversation with Stephenson concerning; understood to be for campaign purposes; think he handed it to me personally; he made no statement as to how it should be used.	139, 140, 143
Checks, in four cases indorsed to Marshall & Ilsley Bank; in other cases indorsed to J. H. Puelicher; custom varied in regard to indorsing because I thought Puelicher would be away from home part of the time, and I presumed he had an arrangement with the bank, so that if he was not there when check got there the people in the bank would take care of it.	143

Van Cleve, John A., in real estate and banking business, Marinette, Wis., testimony of—Continued.

Checks, sent to me instead of directly to Mr. Puelicher, because my office is right next door to Stephenson's. "I was very much interested in the campaign and helped him all I could, and when this money was wanted I would go into the Senator's office and talk matters over and he would draw a check for whatever amount was asked for".....	141
Contracts, made none for payment of any portion of money.....	144
Conversation with Stephenson concerning money, right at beginning of campaign when funds were needed, matter was taken up from time to time; can not remember exact time of first conversation any more than it was shortly after he announced candidacy; do not recollect what was said.....	140, 141
Disbursements by, in Stephenson's 1908 primary campaign in Marinette County, Wis., in detail.....	146, 147
Edmonds, appointed campaign manager by Stephenson.....	142
Employment of assistants, had nothing to do with at headquarters.....	147
Filing of expense account, I did not assist in its preparation when it came to filing with secretary of state; was not consulted about filing; was not present when matter was talked over; do not recollect talking with Stephenson about.....	148
Funds, method of securing, Puelicher would call me up and say more funds were needed, and I would go into the Senator's office and we would talk matters over, and the result of the conversation would be that he would ask his secretary to draw a check.....	142
Gray, J. L., paid \$5, August 29, for services on primary election day.....	568
Legislature, attended when in session; not at day Stephenson was elected; attended once or twice prior to election not to create sentiment in favor of Stephenson, but because member of State capitol commission; did not speak to a member there, except local man, maybe.....	145
Marinette, remained there substantially during entire campaign, which Stephenson knew.....	150, 151
Marinette, resident of little over 38 years.....	137
Marinette County, includes 23 precincts; entire vote of about 4,200, of which Stephenson got about 3,000; employed 50 or 60 men in county election day; had a man in each precinct; in large precincts we had three or four teams and men at polls with poll list.....	569
Marinette County campaign, took charge of for Stephenson; separate transaction from State campaign; kept account of money received and paid out in connection with; account separate from State campaign account; paid out \$792.75 for campaign expenses; kept account of persons to whom paid; statement of filed with legislative committee.....	137, 145, 569
Memorandum book, used during campaign in Marinette County, contains account of expenses of \$792.75 and a list of checks sent to Puelicher, aggregating \$52,500; shows men employed in different precincts in county.....	568
Men employed election day, ascertained they were friendly to Stephenson before I made any arrangement with them.....	570
Milwaukee, visited two or three times during campaign in reference to private business; did not make trip to for purpose of looking after campaign.....	150, 151
Money, did not disburse any that was sent down here; simply found out that it was needed and the Senator gave me the checks and I sent them down here; knew in a general way for what it was used.....	141, 144, 145
Money, did not know when I sent it to Puelicher for what purposes it would be used, other than for campaign purposes—mean by that campaign organizing in way of advertising and opening headquarters where 15 or 20 girls sent out literature and all that kind of thing.....	142
Money, none improperly expended to my knowledge; had no information of any corruptly expended in interest of Stephenson.....	151, 571
Noyes, F. E., paid him \$200 for editorial work on the Marinette Eagle; was friendly to Stephenson and had been supporting him before I gave him the money.....	568, 570
Puelicher, appointed campaign manager and banker by Stephenson.....	142
Puelicher, J. H., \$52,500 paid out by me was in six checks sent to; do not know that he had \$50,000 in Marshall & Ilsley Bank; had heard it....	148, 569

Van Cleve, John A., in real estate and banking business, Marinette, Wis., testimony of—Continued.

Puelicher, sent him \$52,500 for purpose of promoting Stephenson's nomination as Senator at direct primary; talked with him before I sent him money and found he intended to support Stephenson; managed Stephenson's campaign in 1907; do not wish to be understood that any sums paid him were in consideration of his supporting Stephenson.....	569, 570
Ross, Charles H., of Cavour, payment of \$71.35, received by me from Stephenson November 28, was made him for transportation of voters to polls in Forest County; itemized bill from turned over to legislative committee; did not charge for own services.....	144
Sacket, did not know who employed; presume Stephenson employed.....	147
Six checks, aggregating \$52,000, came down here to Milwaukee; disbursed by the committee and those that were here.....	144, 148
Skidmore, Ralph, paid \$8.50, of which \$5 was for work done by his stenographer during campaign, and \$3.50 for a team, in township of Lake.....	568
Statement of expenses in Marinette County, gave it to H. J. Brown and he gave me a check for it; remained in bank until turned over to legislative committee; do not think it was then turned over to Stephenson; do not know whether a copy of it was turned over to Stephenson.....	148
Statement of expenses in Marinette County, hesitated to turn over to committee, not because of figures but because this money had been paid out to a lot of my friends up there and I did not care to give the names, but the committee finally insisted upon it and I gave them the names; knew what law required; proposed to give committee statement giving expenditures in each precinct; amounts are all comparatively small, and I thought it unnecessary to give names.....	145, 146
Statement of expenses in Marinette County, subsequent one contained all information except names of persons to whom money was paid; shows disbursement in each precinct; shows \$35 largest amount paid in any one precinct; did not think anything about its legality at the time....	147
Statement of money received and paid out by me as member of State campaign committee taken from memorandum book kept at time; will produce memoranda without special subpoena, but it contains nothing but what I have here.....	138
Stephenson, Senator:	
Announced candidacy on the 24th of June, 1908.....	137
Campaign cost him, I think, two or three times as much as he ever had any idea it would.....	149
Talked with me concerning \$792.75 expended in Marinette County campaign, but he did not bother me much about details; did not discuss with me disbursement of \$107,000 or \$108,000 in State campaign, because he left all that to Puelicher, Edmonds, and Sacket.	150, 151
Would canvass matter of money over with; would finally make up mind to send it; would call on secretary to make out check for; always after objections would "cough up," but not willingly; did not ask what was being done with money.....	149, 150
Would go to see when requests from Mr. Puelicher came that funds were low; "was much opposed to giving;" can not remember exact remarks of; substance of first conversation with was "he thought they were spending too much money down there; he did not want to 'put up,' as you might say; he did not want to send as much as they were asking for. He was very much opposed to doing it.....	149
Sum of \$792.75, paid for Marinette County expenses, of that amount \$340 was paid for newspaper service; balance nearly all expended for getting out the vote primary day; few dollars listed for postage; no other money expended in county.....	570
Sum of \$12,000, sent to campaign managers in Milwaukee in one week; made no inquiry as to needs for so large a sum; Stephenson had advised his managers Puelicher and Edmonds to keep within the law, and I presumed they were doing so and think now that they did.....	142, 143
Sum of \$52,000, in connection with committee Stephenson appointed, \$52,500 passed through my hands.....	138, 148, 569
Votes, none purchased by money I disbursed; I never had any information that votes were purchased from any reliable source anywhere at any time in connection with campaign.....	151
Wood, John, employed him to get three or four teams, to have man at polls with poll list, and to get out the vote on primary day in Amberg precinct.	568

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Vandersee, impossibility of producing, on part of the committee.....	1991
Van Houten, J. W. B., testimony of.....	1212
Black, W. E., I think trunk came into office during my absence, and first time I saw it it was in our vault and label on it was "W. E. Black, Milwaukee, Wis.;" would not swear to that.....	1214
Key of trunk, I have never had it.....	1215
Trunk, have brought one to committee room containing papers; mostly letters relating to Stephenson campaign; have no lists of papers in; is locked, I think; do not know when it was locked; open yesterday; sorted papers in, then returned all papers taken out; office force present when I handled papers; none of them retained or removed papers to my knowledge; first knew of papers when trunk came by express about 10 days ago.....	1213, 1214
Trunk, I did not remove label from, in part; did not erase certain marks with a lead pencil; do not know who did; do not know where it came from.....	1215
Vote of Stephenson in the legislature, tabulated statement of.....	2024
Voting, illegal, and bribery and corruption, provisions of statutes with regard to.....	329, 601, 604, 605, 629, 677

W.

Walsh, James F., land and timber, Duluth, Minn., testimony of.....	1561
Cook, am his brother-in-law.....	1566
Cook, conversation with, with reference to the election of Senator Stephenson; talked of everything with, that I knew about or heard rumored....	1562, 1563, 1564, 1565, 1566
Cook, Wirt H., not associated in business with.....	1562
Haley, told me something about an alleged quarrel between Hines and Shields as to a settlement for work Shields had done in connection with the election of Senator Stephenson.....	1563, 1564
Hines, never talked with, about election of Senator Stephenson; do not know him.....	1565
Hines, not associated in business with.....	1562
Shields, had some little difficulty with, in 1907 or 1908; had some sort of a claim against him.....	1566, 1567
Shields, has stock in some timber company with; have not discussed political matters with, since 1907.....	1562
Shields, never talked with, about election of Senator Stephenson....	1565, 1566
Stephenson, election of, did not assist in; had no interest in.....	1565
Watrous, Paul J., secretary of the Industrial Commission at Madison, also in newspaper business, Milwaukee, Wis., testimony of.....	1595
Domachowski, heard him say he had been offered \$1,500 to stay out of the chamber while the vote was being taken; made in the presence of Everett and Powell; seemed to be in earnest and excited; refused to say who made the offer.....	1596, 1597
Domachowski, never retracted story to me of offer of \$1,500; said it was a misstatement, and that he was joking; sent the news of the story to my paper; was not published in my paper.....	1598, 1599, 1600, 1601, 1602
Everett, J. Winters, heard the conversation with Domachowski as to the offer of \$1,500; think his paper used the story.....	1596, 1599, 1601, 1602
Pearson, Senator, present during part of conversation with Domachowski.	1596
Powell, W. W., heard the conversation with Domachowski as to the offer of \$1,500; do not believe his paper used the story.....	1596, 1599, 1601, 1602
Shields, Robert J., saw him around the capitol immediately preceding election; talked with him about the election (former testimony as to conversation with, repeated).....	1597, 1598
Wayland, Chellis C., real estate, Milwaukee, Wis., testimony of.....	725, 1492
Account, I knew there was a statute requiring filing of one by candidate; I knew there was to be some accounting and I did not know whether it would be itemized clear down to the small items in order to comply with election law; had not read election law.....	739
Account, I never rendered one to the office of my expenses or money expended by me in behalf of Stephenson campaign.....	727

Wayland, Chellis C., real estate, Milwaukee, Wis., testimony of—Continued.	Page.
Account of expenditures, I kept a statement in general; I did not keep an account of smaller items, but I knew the character of expenditures; as I employed men and teams and put out printed matter, I knew to whom I gave the money; I had that on detached slips, which I destroyed about Dec. 15, when we moved our office in Appleton; I copied items from slips on to one paper; recollect I copied them exactly as on slips.....	737, 738
Bill for \$49.18 I sent in August 5 was, I think, for expenditures the first 10 days; I made it out when I came in from the first trip, but did not present it for about 10 days after I received the \$100.....	727
Blaine, rose to protest against the declaration of election of Senator Stephenson on account of the investigation not having been completed.....	1498
Buchanan Township, not under my personal supervision; I arranged for rigs to be sent there primary day, and those were sent to John Scanlon; am referring to item of \$66; there was a bill rendered for canvassing; in this township there was a man put on each rig and a driver; there were paper mills and men conveyed about 2 miles to vote, in sets, so as not to shut down the factory; and when the shifts changed we had to have more rigs; almost all expense there was for teams and drivers.....	732
Campaign work, I began it during first week of July, 1908; devoted entire time to it from then until after primary.....	726
Cannon, C. G., was Edmond's brother-in-law and was paid item of \$10 to go to old settlers' picnic at Seymour; I think he stayed three days; his expenses amounted to a little more than \$10, but he settled at \$10; spent it for hotel bills and car fare; he probably had some cigars; he does not drink; I do not think he would buy drinks for anybody.....	733, 734
Cigars, I furnished them for my men, the object being that when you can get a man to stop and smoke you can hold him still and talk to him; I remember my bill for cigars was about \$95 for the campaign; there was \$27 of that that I didn't know that I had, but some enthusiast had passed through the factories hammering away for Stephenson and he said he paid that bill, so I settled it.....	729, 730, 734
City of Kaukauna, west and south, and townships west, advertising, teams, workers, etc., \$150, was expended by John Watson, a business man there; he did not report to me; I knew in a general way how he was expending it at the time; he advertised city thoroughly and told me he sent out men in the townships around; sent rigs down to Combined Locks, a paper-mill town, to bring men to polls at Kaukauna, where they voted.....	732, 733
Edmonds, E. A.:	
About 24th or 25th of January he said: "We can go down to Madison and come back the next day, after the first ballot—it will be all over with;" I said I did not wish to make any expense to myself, that I had wasted a good deal of time, and he said: "If you will come down as my guest, I will pay your expenses;" I told him all right, and I went down expecting to return immediately; often invites me on trips.....	735, 736, 737
Asked him once how a report of expenditures was to be gotten up; he said he did not know yet; said he was not the manager now, but he thought I would be informed; this conversation was about middle of September on the street; I never talked to anyone else about it....	737, 739
Was associated with him in business prior to time he assumed management of Stephenson campaign and am now; when he was tendered position of manager I made an arrangement with him by which I would separate my business affairs during time he was manager and be free to assist in campaign; that was about the 1st of July; I was a Republican then and Stephenson supporter.....	725, 726
Was mistaken in his testimony about my being paid in primary; he was correct as to my not being paid anything before the legislature, but in the primary I was to receive pay for my services.....	735
When I reported to him what I was doing about treating in saloons, he requested me to discontinue that kind of a campaign immediately; that was about middle of August.....	730
First item in statement before joint committee for \$315 for workers before primary and during day of same and expense incurred by several while advertising; polling lists, etc., and stenographers.....	731

Wayland, Chellis C., real estate, Milwaukee, Wis., testimony of—Continued.	Page.
Freedom, town of; item of \$34 spent there explained; I arranged with a Mr. Schrader and a Mr. Birdstrom to canvass the township and on primary day they, with their sons, were to take rigs and start from different parts of the township and bring to polls people found to be for Stephenson; I gave them \$15 apiece for their work, and I bought a box of cigars for \$4 to be used in canvassing among the farmers; were to furnish three teams apiece primary day.....	732
Girls, paid at different times to fasten badges and buttons on voters; item of \$7.70 is for seven of them, including dish of ice cream for each girl; paid out of campaign fund; did not report it to Stephenson; do not think he would have objected.....	735
Heard something about a special train that was procured by some one during the campaign.....	1492, 1493
Madison, I went down when legislature was in session and election of Stephenson before it; arrived there January 23 or 24, I think.....	735, 736
Members of legislature I met when I was in Madison in January, 1909; I do not think I talked to them about Stephenson's election; I think they talked to me about it, but I do not recall what they said; it was not understood that I was to go down there that time for work; the day the first ballot was taken I think I talked to Mr. Tower, of Portage, in my own district.....	736, 737
Men employed in Outagamie County, I got best men I could who were for Stephenson, not political hacks, but sober, industrious men who held positions paying from \$2 to \$5 a day; selected them with a view to their nationality and religious association; I found that I would be unable to get men in the country, so I would have those in the city who were acquainted in country make the trips and report.....	729
Money placed in my hands for Stephenson campaign, I did not spend any for purpose of bribing or corruptly influencing any voters; none to my knowledge spent that way by people to whom I intrusted the money for use; I never had any information it was so spent; I did not furnish money to others to distribute.....	740
Outagamie County, method of organizing, endeavored to get poll lists and got men to check them up; got Stephenson's friends to assist in making canvass of city of Appleton; found out I did not have money enough to organize by precincts; had advertising matter posted; began newspaper campaign; attended picnics; passed out buttons; got up circulars and put them in every house; made his name as well known as I could in every corner of county; made speeches.....	728, 729
Outagamie County, total amount spent in, is \$887.65.....	735
Printing campaign badges, sample ballots, instructions to voters in newspapers, bills stating what Stephenson had done for Appleton, newspaper advertising, ribbons for badges, stickers, etc., \$45; expenditure made out of campaign fund.....	735
Public office, I have never held one or been candidate for one.....	735
Report of expenditures other than that made to legislative committee, I never made one to Edmunds, Puelicher, or Stephenson; was not asked for one; I was prepared to make a report when I came to Milwaukee immediately after the primary.....	737
Saloons, I ceased going to or buying anything there or buying drinks for people in grocery stores about middle of August.....	730
Saloons, I looked up the number in Appleton and found out there were about 68 in the city and 10 in the outskirts, with grocery stores attached; from 6 to 10 p. m. found gatherings there; I got a candidate for sheriff to go with me; told him I did not drink or smoke, but I wanted to present Stephenson's case to these people; he said he could drink all I could pay for and for me to take a cigar; I invited these people to partake of a treat and told them why working man and farmer should vote for Stephenson..	730
Services, difference between amount received by me, \$1,199.34, and amount paid out, \$887.65, was retained by me for.....	735
Stenographers, I do not know the exact amount I paid them; I know I paid one \$15 for copying the Appleton polling list.....	732
Strange, in his speech on day of election said he hoped that everything was all right and that they had done nothing they would regret.....	1498

Wayland, Chellis C., real estate, Milwaukee, Wis., testimony of—Continued.	
Sum of \$95.95 in account was for both cigar expenditures and item listed "Headaches (treats), \$17.15"; expenditures all made in Outagamie County; extended from 15th or 20th of July and continued up to the close of the primary.....	734
Sum of \$100 received on July 27 from Edmonds was for expenses I incurred in traveling about the State; my first trip about July 6 was made to ascertain the general line-up of the opposition and to see their plan of campaign; also to see prominent men who were leaders in various counties to find out how they stood and if possible to interest them in Stephenson's campaign; I paid out more than the \$100; I paid my own expenses for a considerable time and sent in a bill; item in account.....	726, 727, 735
Sum of \$250, received August 7, I can not tell just what I did with that exact sum; I can tell how I did through the campaign and this was part of it.....	727
Sum of \$1,199.18 received altogether in campaign; statement of it given to investigating committee.....	731, 735
Towne, Silas R.:	
Do not know of him or other members who were absent being forcibly taken from the hall.....	1499
Had a talk with, on the 4th of March, 1909, in regard to the senatorial election; told me what Ingram had said to him; details of conversation.....	1494-1498
Knew he would not vote for Stephenson; made no effort to restrain him from going to the session.....	1500
Never promised him nor gave him anything of value as a consideration for his remaining out of the joint session.....	1503
Was afraid he was going to get into trouble with Jim Stone; said he had gotten a loan from Stone's client; was afraid he would foreclose him and take his horses; I said, "I don't think there is any danger"; Stone told him he was getting too active in politics.....	1501, 1502, 1503
When I went through the lobby with him I had my arm on his shoulder; I know why I was hurrying; the time was so short, and if he was going to help build up a quorum, if he went in and they voted he would stay, and I wanted those fellows to vote; and the time was so short to the time when he should go in that if I did not hurry I could not tell him what I had in mind and ask him what he would do.....	1498, 1499
Transportation item for livery rigs, busses, autos on day of primary and before, \$164; most of it was paid for by me; different men employed by me made the trips; I paid the bills.....	734
Wisconsin, have resided there about 12 years.....	725
Workers on election day; I hired no one for the day of election except the drivers. They were to get \$3, I think it was, but men I obtained early in campaign, and put in their evenings, and then they were to work also on the day of election; I gave them sums ranging from \$5 to \$15.....	731
Wellensgard, Christian C., runs a pickle factory and is interested in farms, Berlin, Wis., testimony of.	835
Account, I presented one to campaign manager for money expended, at his request; letter inclosing it written by my son; account known as Exhibit 62 in testimony before joint legislative committee, given from record; my son wrote account as I gave him the items; I do not think there are any dates to these items, but he happened to put them down that way; might have got down August when it should have been July; or July when it should have been August; I could not swear to dates nor amounts as correct.....	837, 838, 846, 847, 859, 860
Account, items in on September 3 were paid ward workers; a good many of them were quarrymen that came down to work at polls; money was not paid some of them as wages for the time they were absent from their work at the quarries; money was paid in cash; paid by me personally with the exception of two or three cases; I do not think date is exactly correct....	855, 856, 869
Account, 13 items in under date of September 2 I do not think all were disbursed that day; I think some were paid sometime before	869

Wellensgard, Christian C., runs a pickle factory and is interested in farms, Berlin, Wis., testimony of—Continued.

- Anglem, Bill, town of Green Lake, item in account of \$5, August 28, I expect was for purpose of circulating Stephenson's petition for nomination; I can not remember that he did; it is so long since; he is a Stephenson man; I do not know that date of item is correct..... 849, 850, 851
- Automobile, election day, \$15, September 2, item in account for hire of auto used in town of Berlin and I think in town of Seneca; belonged to a man by name of Droopman, and I hired man named Wilson to run the machine; that is in account "paid Wilson to run machine, \$2.50"..... 855
- Burdick, W., town of Green Lake, item of \$5, August 28, in account was paid him for circulating nomination papers; I do not know that date of item is correct..... 850, 851
- Burlingame, G., item of \$30 in account paid to him and four men was for work he did in putting up advertisements and circulating Stephenson petitions; I would not swear to date of item, August 28, as correct; Burlingame was Stephenson man; money all paid to him; was my personal friend; I am satisfied he was paid latter part of July; was to haul voters primary day; but had this money before that day; he had circulated petition and put up posters; receipt from dated October 5, 1911..... 840, 841, 842, 846, 847, 848, 849, 850, 851, 852, 853, 854
- Burlingame, men employed by; I never paid these men a cent to do anything in my behalf; I do not know whether they were Stephenson men; left selection of them to Burlingame; think one of them was named Frost; he said they were all responsible men; I think I knew the men at the time; but I can not recollect the names he gave me; were paid to take their teams and haul voters 7 or 8 miles around the end of Green Lake; so far as I know their votes were not purchased..... 840, 841, 842
- Business connections, practically sole owner of Berlin Canning and Pickling Co.; I own about 700 acres in that vicinity..... 868, 869
- Campaign fund; I contributed \$60 in that county..... 857, 858
- Charge that \$1,500 was paid to three members of the legislature to absent themselves on the day on which the vote was taken to elect Stephenson; I do not know anything about it; I have heard it or read it in the newspapers; I do not remember that I heard it stated by any member in a speech on the floor, but I might have..... 866
- Domachowski, a member of legislature; I did not hear him say that he had been offered \$1,500 to absent himself at the time the ballot was taken upon which Stephenson was elected; I heard of it, but I do not remember that I heard it on the floor; I have no recollection about it..... 866, 867
- Greager, Steve, has a small farm; he was paid by me for seeing that voters got out in fifth ward in Berlin; he left his work that day and received \$5 from me for working at polls..... 856
- Grotta, Jack, owned a small farm near Sacramento; left his work and received \$5 from me for working at polls in second ward, Berlin; I do not think he had a vehicle to haul voters..... 856
- Livery items in account, to Princeton, July 5 and Markesan, July 6, were to get parties to circulate Stephenson petitions; my candidacy not announced then..... 838, 839
- Lyons, Senator, I never heard him say on the floor of the assembly that he had \$100 "to be good"; I do not know where he sat..... 865
- Markesan, Green Lake County, I do not live there; livery items there in account, August 20, 21, 22, and 23, were for teams hired there for several days when I was making trips out into the county to see about getting out teams and parties for primary election day and also getting Stephenson advertisements up; I did not have any to put up for myself; was not on a campaign tour in my own interests exactly at that time..... 839, 840
- Member of legislature, elected in fall of 1906; was a member during session of 1909; was a candidate during 1908 primary; member from Green Lake County; not now a member; announced candidacy in 1908 in newspapers July 16 or 17..... 836, 838, 839

Wellensgard, Christian C., runs a pickle factory and is interested in farms, Berlin, Wis., testimony of—Continued.

- Money, I did not receive any during primary campaign; received \$250.80 about September 5 or 6; it had already been expended by me during July and August for getting parties to circulate nomination papers, distributing advertising; for hire of auto liveries and to get parties to polls; I paid sums out of my own funds and charged them to Stephenson; there was no understanding that this money was to affect my vote in legislature; all of sum received by me was paid out in interest of Stephenson's campaign. 836, 857, 869, 870, 871
- Money, I did not spend any in the interest of Stephenson's campaign, either directly or indirectly for purpose of bribing or corruptly influencing any electors. 870
- Money, I expended personally in the primary \$275 and some cents, I think; did not include \$250 received from Stephenson. 858
- Never heard any member of legislature say, upon the floor of the hall in which the joint session was held, that he had received money either to vote for Stephenson or as a gift, or to use in primary or general election, or otherwise; I heard several rumors or statements. 863, 864
- Nomination papers, show name of party that circulates paper; I think every paper is signed and sworn to by man that circulates it. 849, 850
- Primary election, I came out with the statement in three or four newspapers in my county that I was pledged to abide by it; I took position from standpoint of entire State and not county. 860, 861, 869
- Rosebrook, C. M., receipt for \$25 from, dated October 5, 1911. 852, 853, 854
- Rosebrook, item of \$25 paid to him and four men, in account; he has told me since he was willing to furnish names of the men at any time; he has not given them to me; he lives in town of St. Marie; he paid money to the men to take their teams and bring voters across Fox River, six or eight miles, to polls; I do not know how men voted; I do not think I instructed him money was to haul only voters favorable to me; think they would haul any neighbors; I could not say that hauling of these men to polls inured to my benefit and not Stephenson's. 842, 843, 844, 845, 846
- Sacket, had a conversation with him in latter part of June; I had not announced my candidacy then; I do not think I indicated it to him; so far as I know he had no knowledge at the time as to whether or not I was intending to be a candidate. 870
- Schrader, C., item in account of \$30 paid him and men at Markesan, was for circulating Stephenson nomination papers in Markesan and town of Manchester; they circulated petitions and advertisements; I got men and teams to work at polls; part of services rendered in July and September; I do not know as date of item is correct. 850, 851, 854
- Stephenson, I was not always looking after my own campaign when I was out for him; made some trips for him before I ever did work for myself; when I talked with a man in behalf of him, I talked on my own behalf; I suppose men I employed supported both of us, I do not know; we did not draw any line in taking voters to polls; did not understand in advance for whom they were going to vote; I do not think money disbursed for him was for services rendered me in my campaign. 858, 859, 869, 870
- Stephenson, in legislature I voted for him on all the ballots; supported him during campaign; have always supported him; voted for him in 1907, when I was a member of legislature; had known of him for 20 years. 836, 840, 860
- Stephenson, sum of \$250.80 had no effect on vote I afterward cast for him; if I had not received anything it would have been the same; if he had not got the majority at the primaries, I should have voted for the other man who did. 869
- Three members of legislature, I do not know the least thing about their being absent at the time the ballot was taken upon which Stephenson was elected. 865
- Vaughn, E., Kingston, item of \$25 in account, September 2, paid him and men, was for circulating petitions and getting parties out at the primary election; the date there is not right, because this was after election and he had the money before the primary. 854, 855

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Wells, Jabez H., hotel keeper, Portage County, Wis., affidavit of.....	2018
Age, 58 years.....	2018
Campaign headquarters at Milwaukee, received \$400 from, out of which instructed to retain whatever services were reasonably worth, balance to be used for legitimate expense.....	2018
Campaign work in city of Portage and Columbia County during primary contest, at request of campaign managers at Milwaukee, who gave no instructions except to do whatever he could in interest of Stephenson, causing literature to be put up and circulated and kept up, and to get workers at polls on primary day and provide for getting vote out; covered period of 60 days.....	2018
Columbia County contains a large number of precincts; is large.....	2018
Money not disbursed for the purpose of corruptly or unlawfully influencing or bribing any person.....	2019
Personal expenses and expenses for poll workers, cost of keeping up literature, for livery and conveyances, hotel expense, cigars, etc., amounted to \$200.....	2018
Poll workers, instructions given to; unable to remember names of, excepting few; names of five given; none employed unless for Stephenson at time of employment.....	2018, 2019
Portage County, resided in, for past 58 years.....	2018
Services, retained \$200 for.....	2018
Statement of disbursements; kept no itemized; never called upon for....	2019
Traveled and talked with many people advocating Stephenson; also caused lithographs to be posted up.....	2018
Wheeler, William G., attorney, Milwaukee, Wis., testimony of.....	893
Account, I did not render one to Edmonds or anyone else; was not requested to.....	897
Barroom campaign, none of \$600 spent for.....	896
Boyd, John, paid \$6 for work in town of Lima.....	896
Campaign, I had charge to some extent in Rock County and visited several of the other counties at different times.....	893
Campaign, under primary system more expensive than under old system of caucuses; reasons for given; detailed estimate of cost to perfect precinct organization under primary system; cost does not include newspaper advertising and expense of printing and circulating literature....	899, 900, 901
Clifford, C. W., gave him check for \$10 August 28, for workers at polls in city of Evansville.....	895
Compensation, I received nothing for what I did.....	898
Expenses do not represent all the money I expended; trips made during campaign in detail; items of expense exceed the \$600 that came into my hands.....	897, 898
Farr, F. G., Eau Claire, I sent him a check myself of \$300 to take care of campaign in Eau Claire County.....	898
Garbutt, Orfordville, I paid him \$2; he told me he worked at the polls getting voters for Stephenson, or I should not have paid him.....	894, 895
Gazette Printing Co., \$18.50, that was for printing campaign circulars for use in Rock and Eau Claire Counties.....	896
Jones, check for \$6 paid him for workers at polls and before the primary... ..	896
Memorandum, I kept one accounting for items; it is in possession of committee.....	894, 895
Money, none spent by me or others, within my knowledge, for bribing or corruptly influencing voters.....	901
Mouatt, Frank, items of \$36, August 31, and \$19.50 were for expenses incurred traveling around the county, including automobile hire and money he paid to different persons.....	895, 896
Primary system, does not always tend to bring to surface best men; vote is smaller under system; smaller proportion of vote cast at primary than at general election; where I lived, I am satisfied vote on primary day does not amount to 50 per cent of registration.....	902
Rock County, resided there all my life until I moved to Milwaukee, April 1, 1909.....	898
Salmon, C. D., check for \$75 to him was for organization work in Beloit, getting men out, and rigs at the polls election day; letter from him explaining disbursements.....	896, 897

Wheeler, William G., attorney, Milwaukee, Wis., testimony of—Continued.	Page.
Self, \$100, that check was for an amount of money I drew from bank when I went out on a trip through the county; I left \$25 in city of Beloit to be paid to find men in each ward to work for Stephenson on election day..	895, 896
Sum of \$600, received by me from Stephenson campaign fund from some one of the committee; I used \$300 to reimburse myself for a similar amount that I had advanced for political purposes in Eau Claire County; I spent balance to hire workers at polls, for automobile expenses, and traveling expenses of different kinds.....	893, 894, 898
Whittet, L. C., paid \$3.....	896
White, Richard J., traveling salesman, Milwaukee, Wis., testimony of....	1324, 1339
Absent members of house, three, at time of election; had they been there would have changed result.....	1328
Absenting of, from joint assembly room, for two or three weeks a combination of anti-Stephenson Republicans, Social Democrats, and Democrats would leave if they thought Stephenson would be elected, or stay in if thought he could not; a member from Manitowoc County named Wehrwein hid in the gallery one day to keep from voting.....	1345, 1346
Absentees at time vote was taken: Mr. Ramsey, Mr. Farrel, and Mr. Towne; did not see them go out, only know they did not answer roll call....	1331, 1335
Balloting, I was in lobby during; a large room used by members and public back of chamber proper, partition between; only those near door could see in.....	1341, 1342
Bribery, none to my knowledge; lot of reports around about different people being approached; heard in a general way of some corrupt methods being used.....	1344, 1347
Buslett, assemblyman from second district in Waupaca County, after roll call on March 3, asked to withdraw his vote as he was paired with Mr. Brown, who had not voted.....	1329
Conversation held in assembly chamber before the 4th with Mr. Farrel and Mr. Ramsey at separate times, speaking of members going in and out to break quorum; did not think it any more of a crime for Democrats to help election of Senator Stephenson than to try and stop it.....	1347
Election took place at noon March 4, 1909; final ballot was taken; Senator Stephenson elected; received 63 votes; thought he would have been elected before then; did not know it was to take place that day; brought about by peculiar circumstance, viz., absence of three Democrats.....	1334, 1339, 1341
Election and absentees, everybody was discussing that night; epoch in history of Wisconsin.....	1334, 1335
Farrel, knew him well; was representative in legislature from my district; never discussed with him why he did not vote at election; did not talk with him before session.....	1333, 1334, 1340
Hughes, Assemblyman, a Democrat, member of legislature, called Farrel to account for being absent at vote, censured him and charged him with being responsible for the election of Senator Stephenson.....	1331, 1334, 1336
Knell, occasionally, when he went out, would leave money with me at office to pay ward workers if they should happen in at that time; did not give any instructions how it should be spent.....	1325
Knell, Sheriff, assisted him in Milwaukee County in campaign of 1908; received \$350 from him for personal expenses; paying hotel bills, buying cigars for the boys, etc.; did not use any, either directly or indirectly, for bribing or unlawfully influencing any electors in primary campaign in interest of Senator Stephenson.....	1325, 1346
Madison, went there four days before election; left next morning after; was there looking after interests of Senator Stephenson; do not know whether Mr. Shields remained there or not after election.....	1326, 1333, 1340
Milwaukee Hotel, headquarters, was with Mr. Knell during whole of campaign; directly under his directions; did not see any money expended for bribing.....	1346, 1347
Overbeck, Henry, know well; talked freely with on senatorial situation; suggested to him night before election to get some one to pair with Mr. Fenelon; knew afterwards he had made arrangements with Fenelon to ask Ramsey; was with him a great deal day of election; asked me to bring vote to him at telegraph office as soon as it was announced, so that he could communicate with Stephenson at Washington.....	1324, 1328, 1329, 1340, 1344

White, Richard J., traveling salesman, Milwaukee, Wis., testimony of—Con.	Page.
Park Hotel, night after election found Farrel and Hughes there arguing about election of Senator Stephenson and absence of three Democrats, quite a number of people standing around; took both back to bar and had cigars; did not stop argument because thought any facts would become public, but for sake of harmony, and was a friend of both. 1331, 1333, 1335,	1342
Politics, am a Republican.....	1332
Puelicher, asked me to assist Knell; paid me \$150 for expenses to and from Sturgeon Bay where my family were then.....	1325
Ramsey, knew he was paired with Fenelon; neither I nor any of his friends, so far as I know, talked with him on this subject; did not see him any time during day after election; saw him some time afterwards on street in Milwaukee; did not discuss election or why he didn't vote....	1333, 1340, 1342
Roll call, referred to by legislative committee, absolutely certain meant roll call in the assembly.....	1348, 1349
Shields, Robert, met him at Milwaukee in February, 1909; talked over senatorial situation with him; do not know where he was at time vote was being taken; do not remember seeing him near assembly chamber day of election; did not say he had been to Washington to see Senator Stephenson, nor did I hear it from anyone else.....	1326, 1327, 1330, 1344
Shields, was under the impression he was at Madison for the same purpose as I—to further the interests of Senator Stephenson; talked over in general way after ballot had been completed how fortunate it was for Senator Stephenson.....	1327, 1344, 1345
Telegram, dated Ripon, March 4, 1909, to Ramsey from Fenelon, read it over his shoulder, right near coat room, asking him to pair with him that day on vote on United States Senatorship; no one was present; members were walking back and forth; supposed he answered it, by his not voting; did not talk with him about it.....	1336, 1337, 1339, 1340
Towne, did not know him at all; was introduced to him after I had testified at the investigating committee.....	1333
Wayland, was present at Madison at time of election; did not talk much with, about the election.....	1328, 1340
Wilcox, Arthur Nelson, gas fitter, election inspector in 1908, Milwaukee, Wis., testimony of.....	993, 1894
Inspector of elections, acted as such in the primary election of 1908.....	993,
994, 1895, 1896, 1897, 1898, 1899	
Inspectors, how appointed.....	994, 995
Inspectors in third ward, third precinct, Milwaukee, 1908, I think they were John Lavin, Charley Winters, and Pat Shanley.....	994, 1895
Knell, W. R., manager of Milwaukee campaign, I received \$50 from him; did not receive \$100 stated in specific charge.....	994, 1895, 1898
Money, I did not use any and so far as I know men to whom I paid it did not use any for purpose of bribing or corruptly influencing voters.....	996
Sum of \$50, how disbursed, I was asked to furnish the names of six men, two for each precinct in the ward, and I paid them \$5 for primary day, to hand out cards and do what they could for election of Stephenson; disbursed \$50 in behalf of Stephenson.....	994, 1895, 1896, 1897, 1898, 1899
Winsor, William F., president of State Bank of Mauston, Mauston, Wis., affidavit of.....	2019
Age, 48 years.....	2019
Campaign work in primary campaign, at request of managers at Milwaukee; no active work done until about August 25, being absent from city; from that time on traveled about county by livery rig and rail, visiting many friends and talking Stephenson.....	2019
Hanson, Joseph T., campaign funds mentioned in affidavit of were kept in affiant's bank; disbursement as stated by Hanson substantially accurate, but figures not correct, according to check made a part of this affidavit; \$151.26 now remaining unexpended; funds deposited in name of Hanson, never in the name of affiant; received \$45 from, notwithstanding it appears in Hanson's account affiant received \$55, additional \$10 given for transmission to D. J. Puffer, to whom money was sent.....	2019
Mauston, resided in past 48 years.....	2019
Money not disbursed for the purpose of corruptly or unlawfully influencing or bribing any person.....	2019
Personal expenses, disbursed \$45 received from Hanson, in traveling about county in the way of conveyance expense, hotel expense, cigars, etc....	2019
Stephenson, supporter of, prior to any arrangement to do any work for....	2019

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As to production of papers in custody of.....	452, 453, 454, 474
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Wood, Harry W., private detective, Milwaukee, Wis., testimony of..... 1602, 1877

Black, William E., understood he was an attorney for Stephenson; did not know he was Stephenson's attorney in investigation before legislative committee when I made application to him to be retained; that was in his office about two months ago; do not remember saying to him my sympathies were on his side; did not employ me; did not refuse me; said he would see about it; did not see him afterwards.....	1615, 1616, 1617, 1618
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Book containing date of my conversation with Regan and Souther, can not find (later produced); shows date to be December 31, 1909, 7 p. m.; date written in Souther's office after Regan left; "A" referred to in, means Regan; Judge referred to in, is Judge Ryan, of Waukesha.....	1604, 1605, 1612, 1622, 1623, 1624, 1625, 1879, 1880, 1881, 1882, 1883
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Businesses engaged in, a detective in Portland, Oreg., and Minneapolis before I came here; went into automobile business here with J. A. Peffer in 1908; in 1909 in automobile business and did work as a detective at same time.....	1602, 1603
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Conversation with Kittle and Crownhart, came together to see me in Milwaukee something like six or seven months ago; told them in substance the conversation I had with Regan; told them I would charge them \$10 a day to investigate; they did not employ me; knew they represented element that was in opposition to Stephenson.....	1618, 1619, 1620, 1621, 1622
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Conversation with Regan in Souther's presence, do not remember telling it to anyone but Sanderson, Kittle, Crownhart, and McGee.....	1622
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Henning, E. J., attorney in Wells Building, offered my services to him two months ago; told me he was not employed in the Stephenson matter in any way; went to him after I saw Black; did not tell him I had been offered employment from "La Follette gang," but preferred to get it from Black.....	1614, 1615, 1616, 1618, 1882
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Kittle, have seen him two or three times; saw him first in Sanderson's office; meeting accidental; was about a month before I met him and Crownhart together; discussed story Regan had told me with him; do not know whether Sanderson had told it to him before I came in. 1618, 1621, 1622	
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McGee, Charlie, attorney in Wells Building, told me if I would talk to Henning maybe Henning would put me out to investigate Stephenson matter.....	1614, 1616, 1622
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Milwaukee, have resided there since latter part of 1895.....	1602
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Morris, Gov., had never seen him until he came into the court room; never made an application to him for retainment through other parties..	1618
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Plankinton House, asked to stay out of, by house detective, Elmer Hyde; reasons for.....	1626, 1877, 1878
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Prinz, James A., talked with him within the last two weeks near the Plankinton House; did not remark to him that I did not believe Regan knew anything about the Stephenson matter; recollect I stated to him that I did not believe Regan had done what he was accused of.....	1878, 1879
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Records, if I am doing business with a person I take down everything so that I can show it to him; when I get through with a case do not keep any more track of it; destroy records then; have none of any of my cases for last 16 years.....	1612
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Wood, Harry W., private detective, Milwaukee, Wis., testimony of—Continued.	
Regan, M. J.:	
Claimed all the time that Wagner was guilty of perjury.....	1635
Conversation with, in presence of Souther, December 31, 1909, in Souther's office, Merrill Building; said Shields had sent him a tele- gram from Washington and been to see him with regard to keeping Ramsey, Farrell, and Towne out of the legislature and that Shields made remark that he had come from Washington with carte blanche from Stephenson to draw any amount of money that was needed to keep these three men out; said Shields made him proposition to go to Madison; said when Shields sent him another telegram, saying he was coming to see him, he left town.....	1604, 1605, 1606, 1607, 1610, 1634, 1635, 1636, 1637, 1638, 1639, 1879
Expressed himself as believing money had changed hands.....	1636
Had been a prosecuting witness against Wagner; he thought that Wagner had lied in regard to him; his attitude toward Wagner was that if Wagner would tell the truth in regard to him, he would do anything he could to help Wagner out.....	1609, 1635, 1636
I deny the statement he made on the stand about what he said when he was sitting down here with me on the rail; what he did say when I told him I had repeated his statement was: "I am going to deny every part of it from A to Z, for the La Follette gang are a crooked bunch and I am not going to give them one word that is going to help them." I said: "What am I going to do when they ask me these questions—they have my statement?" He said: "Do as the rest of them have done on the stand—say you don't remember".....	1881, 1882
Repeated for third time conversation that occurred in presence of Souther, at an accidental meeting at corner of Second Street and Grand Avenue, Milwaukee; no one else present.....	1627, 1628
Saw him at his residence, 1011 State Street, seven or eight weeks ago; stopped to talk to him to see if there was anything new or anything of that kind that he would say in relation to the Stephenson matter; he did not repeat the conversation in Souther's office.....	1632, 1633
Second conversation with, in Plankinton Hotel; met him there acciden- tally; same thing said as at Souther's office, as I can remember; did not make a note of date.....	1607, 1608, 1626, 1627
Talked with him one day last week; we just spoke about him being subpœnaed as a witness.....	1610
Went to his house, on Cass Street, and he and I looked over his papers to find telegrams that he had received from Shields; did not find them.....	1608, 1609, 1628, 1629, 1630, 1631
Sanderson, attorney in John C. Kleist's office, made remark to me that he thought Stephenson matter ought to be investigated; told him I was ready to go to work; that was about 10 months ago; we were alone in his office; he did not retain me.....	1613, 1614
Sanderson, first narrated conversation with Regan in presence of Souther to him about a year after the conversation.....	1620
Souther, Frank, street contractor, Milwaukee, had talked with him in regard to Wagner being sent to State prison, and he mentioned to me there might be a chance of finding out something that might help Wagner; told me he was going to see Regan in his office that evening and that I should come up; kind of sympathized with Wagner.....	1603, 1604, 1611
Souther, have talked with him two or three times about Regan's story of Shields; asked him, about 10 days ago, if he remembered the conversa- tion, and he said he did.....	1611
Stephenson controversy, have made an effort to be retained in connection with, three different times.....	1612
Stephenson controversy, offered my services to both sides; did not succeed in getting employment from either of them.....	1620
Wagner, I was trying to assist in finding something that might help him in some way; was not exactly a friend of his; I knew him; my sole interest was to get some information from Regan that might help him.....	1609, 1635
Wagner, was up at Waupum and had a conference with.....	1636

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Wyseman, Arthur J., practicing lawyer, Manitowoc, Wis., affidavit of.....	2019
Age, 30 years.....	2019
Campaign work in city and county of Manitowoc, during primary contest, at request of campaign managers; talk with, he would look after distribution of literature and circulation of nomination papers and correspond and talk with friends in interest of the Senator.....	2020
Expense incurred in circulating literature and correspondence and in traveling and for services; paid \$135.88 on bill rendered, which was itemized and which affiant has not seen since.....	2020
Manitowoc, resided in, past 30 years.....	2019
Money not disbursed for the purpose of corruptly or unlawfully influencing or bribing any person.....	2020
Stephenson, supporter of at time, consented to do work in campaign.....	2020

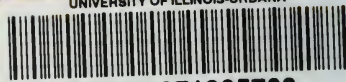
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Zimmerman, Fred R., member of the Legislature of Wisconsin in 1909, testimony of.....	1504, 1516
Absentees, do not remember all.....	1524, 1525
Absentees, number of, to affect the result of election; question discussed.....	1517-1520
Absentees, probably some of them were paired.....	1530, 1531
Buslett, was paired with Senator Brown on March 3; if his vote had been counted the result would have been 63 for Stephenson to 62 against.....	1527, 1528, 1529, 1530
Domachowski, heard him make statement with reference to an offer made in connection with voting for United States Senator on March 4, after the election of Senator Stephenson.....	1504
Domaschowski, talked with him about the absence of three Democrats; asked him what he supposed had become of these three fellows; he said, "Well, when you can buy a man to do a thing, he will do almost anything." He said, further, he was offered \$1,500 to stay away from the session; never said who made the offer.....	1504, 1505, 1545, 1546
Domachowski, told me he had been offered \$1,500; understood that to be a corrupt offer for the purchase of his vote; did not ask him who made the offer; am not prepared to swear that I did ask him; am not in a position to say that I did or that I did not; do not remember anybody near when conversation took place.....	1540-1544, 1545, 1546
Domachowski, was interviewed by reporters as to statement of offer of \$1,500 to; probably published on the 4th or 5th of March; Milwaukee and Madison papers were interested.....	1544, 1545
Farrell, John, knew he was absent on March 4; left the chamber during the roll call.....	1506, 1509, 1534
Farrell, the time between the time that the protest was being read and the time that the balloting was going on could not have been more than two or three minutes. I do not want to appear as trying to hedge on my testimony; if I had to say to-day which statement is absolutely correct I would say that the statement made two or three years ago was correct in point of minutes than my statement to-day.....	1537, 1538
Farrell, think he left while the protest was being read.....	1537
Fenelon, Dick White said he was responsible for pair of, with Ramsey.....	1506, 1507
Fenelon, pair of, with Ramsey did not affect result of the election of Senator Stephenson.....	1517-1522
Hoyt, Dr., heard Leroy talking to, asking him to get up and change his vote.....	1522
Leroy, Eddie, heard him talking to Dr. Hoyt the day when it would take one vote to elect Stephenson. I remember his saying to him "Get up here and change your vote and we will stand by you".....	1522
Leroy, think he was very anxious to see Stephenson elected right away; there was something suggestive in the remark that he would stick by him; just how much that might carry with it I do not know.....	1531
Leuch, believe Davies made offer to, to do certain things; I would rather take Mr. Leuch's word that he made it than Mr. Davies's word that he did not.....	1523
Leuch, told me that one of the Stephenson's detectives had urged him to stay in the joint assembly in order to help build up a quorum, and that for doing that he was to have any thing that he wanted; told me this on the 1st or 2d of March.....	1505, 1506

Zimmerman, Fred R., member of the Legislature of Wisconsin in 1909, testimony of—Continued.

Lyons, ex-senator, I remember a statement alleged to have been made by, when he said that he had been given \$100 "to be good;" never heard him make the statement; Haight told me about this statement.....	1505, 1506
Never heard of any other offers to members to do or refrain from doing anything that would effect the election of Senator Stephenson.....	1505
Pairs, general subject of, discussed.....	1517-1522, 1527
Ramsey, Dick White said he was responsible for the pair between Ramsey and Fenelon.....	1506, 1507
Ramsey, pair of, with Fenelon, did not affect result of the election of Senator Stephenson.....	1517-1522
Ramsey, Thomas, knew he was absent on March 4.....	1506
Ramsey, went out just as soon as the senate got into the assembly chamber, or within a minute or two.....	1525, 1536
Rules, do not remember joint convention adopted any.....	1526
Steering committee, was chairman; tried to keep track of where the men were; steered them either out or in, as it might be necessary, to prevent the election of the Senator.....	1532
Think it would be an offense to offer to pay a man for remaining at his post of duty and performing it, when he was told that he incurred no obligation to vote for any particular person.....	1523, 1524
Think one vote would have effected an election on January 27.....	1522, 1523
Towers, subject of his vote discussed.....	1519
Towne, I went out to try to find where he was while the vote was proceeding.....	1509
Towne, saw him and Wayland walking together in the assembly chamber March 4; Wayland had his arm very tenderly around him; other details as to actions of Towne, Farrell, and Ramsey on March 4.....	1506, 1507, 1535, 1536, 1538, 1540
Towne, Silas, knew he was absent on March 4.....	1506
Voted against Senator Stephenson and my purpose was to determine whether he could be sent to Washington by the State of Wisconsin and when he got there represent the State with any honor, either to himself or to Badger State.....	1531, 1532
Voted for Henry Allan Cooper on first day we balloted; on final ballot voted for ex-Mayor Sherburn Becker, of Milwaukee.....	1504, 1522
Was delegated to watch as many members as I could on the day of election.	1510
Wayland, saw him and Towne walking together in the assembly chamber March 4; had his arm very tenderly around Mr. Towne.....	1506, 1538, 1540
White, never knew him until I got to Madison; mistook him for Mr. Knell last Friday in this room because I had the two confused.....	1533, 1534
White, told me he had suggested the pair between Ramey and Fenelon...	1506, 1507, 1516, 1517

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